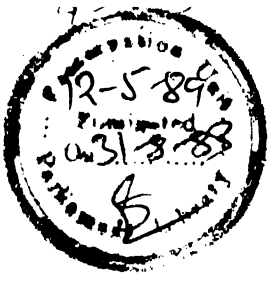

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME IX, 1951

(7th August to 21st September, 1951)

Fourth Session

of the

PARLIAMENT OF INDIA

1951

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THE

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Saturday, 18th August, 1951.

The House met at Half Past Eight of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Mr. Deputy-Speaker: Questions. The question standing in the name of Mr. Raj Kanwar was withdrawn. Mr. Sidhva.

DISPOSAL OF MOTOR VEHICLES

*316. **Shri Sidhva:** Will the Minister of **Defence** be pleased to state:

(a) the number of motor vehicles of all kinds at present in Dehu (near Poona); and

(b) the number of vehicles that have been disposed of in 1950 and upto June, 1951 and how much money was realised out of their disposal;

(c) the condition of the undisposed vehicles, whether they are fit for Service; and

(d) the Government's future plan regarding the undisposed vehicles?

The Deputy Minister of Defence (Major-General Himatsinhji): (a), (c) and (d): It is not in the public interest to give this information.

(b) Total number of vehicles disposed of and their sale value are as follows:

1950		1951	
No. of Vehicles Sold	Sale Value	No. of Vehicles Sold	Sale Value
3,527	Rs. 67,38,620	694	Rs. 16,91,003

Shri Sidhva: I may say that the motor vehicles to which this question relates are disposal vehicles which were received in War time. Probably the hon. Minister has understood that I am referring to new vehicles.

Major-General Himatsinhji: We have not misunderstood the hon. Member's question. It should be appreciated that we would rather not give the number of vehicles at present in stock which can be used by the military in the future. I think the hon. Member who has been to Dehu himself and who is also a member of the Estimates Committee knows the information as well as we do. If he requires any more information, we will only be too glad to give it to him in confidence.

Shri Sidhva: I only wanted to know how many are unserviceable and whether they may be reconditioned. That is the point.

Mr. Deputy-Speaker: If the hon. Member wants, he can ascertain it from the hon. Deputy Minister of Defence. More than that, it is not in the public interest at present to lay the figures before the House.

Shri Sidhva: Will he be prepared to supply me the information?

Mr. Deputy-Speaker: Yes. Next question.

SAMPLE SURVEY OF AVERAGE INCOME AND EXPENDITURE

*317. **Shri Sidhva:** Will the Minister of **Finance** be pleased to state:

(a) whether his attention has been drawn to the result of the sample survey undertaken by the Ministry of Labour in the village of Dorwan in Bihar; and

(b) if so, what is the average income mentioned in this survey as against the income and expenditure arrived at by the Statistical Survey Department of the Reserve Bank of India?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir.

(b) The average income per agricultural worker's family determined as a result of this survey is Rs. 444·4 per annum. No survey of rural income and expenditure has been conducted by the Statistical Department of the Reserve Bank of India.

Shri Sidhva: What is the rate of expenditure in this Dorwan village in Bihar, against an income of Rs. 444·4?

Shri C. D. Deshmukh: I presume the report is available to the Members.

Shri Sidhva: The report is not available.

Mr. Deputy-Speaker: Has the hon. Minister got any figure showing the average expenditure?

Shri C. D. Deshmukh: The average expenditure per consumption unit in the agricultural worker's family was Rs. 162 with a standard error of Rs. 47 and a coefficient of variation of about 30 per cent. That is the information given here.

Shri Sidhva: Am I clear in understanding that it is a family of 4·8 persons for which the income was stated by the hon. Minister to be Rs. 444·4 and the expenditure Rs. 162 or something?

Mr. Deputy-Speaker: With 30 per cent. for fluctuation.

Shri Sidhva: That means 70 per cent. of the income. Am I correct?

Shri C. D. Deshmukh: That is what appears in the summary of the results of the enquiry into the conditions of agricultural workers in village Dorwan in Bihar in 1949. Clause 11 says, the average expenditure per consumption unit in the agricultural worker's family was so much.

Shri Sidhva: What is the consumption unit, please?

Mr. Deputy-Speaker: Does it mean each individual, to be multiplied by 4·8?

Shri C. D. Deshmukh: Yes. Now, the average size of a family is 5·6 persons. That is what is stated here.

Mr. Deputy-Speaker: Therefore, it comes to Rs. 900 and odd.

Shri Sidhva: The expenditure comes to Rs. 650. Am I correct?

Shri C. D. Deshmukh: I should think so; yes. On an average, the expenditure per agricultural worker's family was Rs. 615·8 as against an annual income of Rs. 444·4.

Shri Rathnaswamy: Is it a fact that as a result of this sample survey conducted in that particular village, it was found in a number of cases that the expenditure exceeded the income for an average family?

Mr. Deputy-Speaker: That is what the hon. Minister has said.

Shri Sidhva: May I know how much expenditure has been sanctioned by the Finance Ministry for this purpose during 1951-52?

Mr. Deputy-Speaker: For sample survey?

Shri Sidhva: Yes.

Shri C. D. Deshmukh: That takes me from the statistical to the financial field.

Mr. Deputy-Speaker: We are going into some other matter.

Shri C. D. Deshmukh: I may also point out that the Finance Ministry is not incharge of this enquiry; it is the Labour Ministry. It is because the hon. Member started with a comparison and then went on to ask something about the Reserve Bank that we came in. Actually, we are not aware of any such or comparable enquiries by the Reserve Bank.

Shri Rathnaswamy: May I know if a similar survey was undertaken in the Madras State? What is the result of that enquiry?

Mr. Deputy-Speaker: That is going into the business of the Labour Ministry. Let these questions be addressed to the Labour Minister.

Shri Rudrappa: May I know whether this agricultural labour also includes families which own lands and work themselves without engaging other labour?

Shri C. D. Deshmukh: I should not like to answer this question without reference to the original terms of reference of this enquiry.

Mr. Deputy-Speaker: I think it is better, for fuller information, if the Labour Minister is asked these questions.

Shri Thimmappa Gowda: May I know what the average income of an agricultural family is?

Mr. Deputy-Speaker: That is what has been stated already. Hon. Members must follow the answers given. The average income is Rs. 444·4.

Shri Thimmappa Gowda: That is for an agricultural worker's family. I want to know the income of an agriculturist family owning lands.

Mr. Deputy-Speaker: If the agriculturist has 100 acres, his income is large.

Shri Thimmappa Gowda: For an average agriculturist family?

Mr. Deputy-Speaker: I do not know if the hon. Minister has got any other information.

Shri C. D. Deshmukh: I have got the whole report, and I feel sure that if the hon. Labour Minister had been here, he would have been glad to place a copy of the Report on the Table. It is in the Library of the House for reference of hon. Members who are interested.

Shri Sidhva: We have not got that report.

Shri C. D. Deshmukh: I am not in a position to undertake that. I feel sure that he would be glad to do that.

Shri Sidhva: The hon. Minister said that the Reserve Bank Statistical Department did not conduct any survey. In the last session, he made some reference to a survey by the Reserve Bank.

Shri C. D. Deshmukh: There were three surveys conducted by the Reserve Bank of India. One was called Food Production in Murbad Taluk in Bombay, in Thana District. The other was Agricultural indebtedness in Murbad. And, the third was Food production in Sheogaon. None of these covered the income aspect at all. They were concerned with the determination of the success or otherwise of the Grow More Food campaign. Then, there were two surveys relating to nutrition and family budgets conducted by the Bombay Branch of the Indian Statistical Institute, which was helped by the Reserve Bank. The first covered a small area in Bombay city and the second the whole of Bombay city. Both of them related to middle class families. We have various details about income, expenditure, diet and health and other related matters. These are the only surveys which have been carried out directly or with the help and assistance extended by the Reserve Bank.

Shri A. Joseph: After the enquiry into the conditions of agricultural labourers through the survey, is there any scheme or proposal made by the experts of the Finance Department to improve the condition of the agricultural labourers?

Shri C. D. Deshmukh: I am afraid all this onslaught is on the wrong sector!

HINDUSTAN AIRCRAFT FACTORY

*318. **Dr. Ram Subhag Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether the Hindustan Aircraft Factory at Bangalore has prepared any home-designed and home-manufactured aircraft;

(b) if so, what is the number of such aircrafts so far prepared; and

(c) whether any schedule has been made for building machines (aircrafts) of this type with utilization of indigenous materials?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) to (c). The hon. Member is presumably referring to the development and manufacture of aircraft of an indigenous design. If so, the attention of the hon. Member is invited to the replies given by me to Part (a) of Starred Question No. 2830 on the 7th April, 1951 and to Starred Question No. 4977 on the 6th June, 1951.

Dr. Ram Subhag Singh: What is the type of aircraft produced by the Hindustan Aircraft Factory and the number of aircraft of this type which it is propsed to be manufactured every year by this factory?

Major-General Himatsinhji: There are two types of aircraft which the Hindustan Aircraft Ltd. are producing. The first is H. T. 2—a preliminary trainer. A prototype of this plane was flown on a test flight the other day and it was very successful. For the next six months it will undergo still more trials until it is perfected and then it will go into production.

The total number of aircraft of this type which is required both by the military and civil is something like 300. But I understand that some of the foreign observers who were present during this trial-flight have expressed the hope that we may be able to sell this type of aircraft. If that is so, we may have to produce more.

There is also a second type of aircraft which we are going to produce. So far we are only on the design. It will take three years. It is called H.T. 10, which is entirely meant for military use for purposes of advanced training.

Dr. Ram Subhag Singh: What is the cost involved in building this aircraft and how does the price of the aircraft compare with the price of the imported aircraft of similar type?

Major-General Himatsinhji: The Government will be contributing towards the work of designing and developing the two H.T. 2 prototypes, a sum of about Rs. 4 lakhs. Governments contribution for the design and development of two prototypes of H.T. 10, which is meant for the Airforce as an advanced trainer, will be much higher, roughly Rs. 19,20,000. But the actual cost of production cannot yet be given until the production is actually in progress. However, it is anticipated that the cost will be less than what we will have to pay for similar aircraft imported from abroad.

Shri Rudrappa: May I know whether the Government of India intend to expand the Hindustan Aircraft Factory, so that it is able to undertake overhauling of aeroplanes in other places than Bangalore?

Major-General Himatsinhji: The overhauling of planes upto now was done in Bangalore, but this part of the work is now being transferred to the Civil Maintenance unit at Barrackpore.

Shri Barman: What is the nationality of the designer or the technician of this new type of aircraft?

Major-General Himatsinhji: The designer is Indian.

Shri Kamath: Is there any blueprint or plan for the manufacture of aero engines—a plan with well defined stages or phases?

Major-General Himatsinhji: This indigenous aeroplane, except for the engine and the instruments, is entirely Indian. We are getting these engines from overseas. But designing and construction of these egnines in India itself is under consideration.

Shri Sohan Lal: Are any parts of the aircraft manufactured in Bangalore and are there any parts imported from abroad?

Mr. Deputy-Speaker: That question has already been answered. He said that except for the aero engine all the other parts are manufactured locally.

Shri Jnani Ram: What are the consumption, speed and height of the H.T. 2 type aircraft that is manufactured at Bangalore?

Major-General Himatsinhji: That is the reason why this prototype will be put on trial for six months and only then we will be able to give the answer to this question.

Dr. Ram Subhag Singh: May I know whether this type of aircraft possesses any advantages over the imported ones with regard to its maintenance in tropical conditions?

Major-General Himatsinhji: Yes, Sir. This aircraft construction is of all-metal design entirely of metal suitable to the Indian climate.

Persons detained under Preventive Detention Act

*319. **Shri Kamath:** Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of persons detained, as on 1st August 1951 under the Preventive Detention Act in each of the Part 'A', Part B and Part C States; and

(b) how many of them in each State belong to the Communist Party, how many to the Socialist Party, the Praja Party, the Forward Bloc, the R.S.S., the Hindu Mahasabha, Congress, and to other groups?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). A statement is placed on the Table of the House giving the information. [*See* Appendix II, annexure No. 31.]

The classification of detenus according to parties which is given in the Statement laid on the Table cannot be deemed as authoritative, as there are no published lists and no enquiry or interrogation on the subject was desirable or practicable.

The total number of persons detained as on 1st August, 1951 under the Preventive Detention Act is 1894. The number of detenus belonging to the Communist Party is 1421, Socialist Party 2 and others including blackmarketeers is 470.

Shri Kamath: I am glad the Home Minister has been able to give the answer to my question today. The other day when I put the question he thought that it carried an insinuation.

Mr. Deputy-Speaker: What is the use of reminding him of it?

Shri Rajagopalachari: That is why I have pointed out that these classifications are not reliable, that we could not hold an enquiry or interrogation and that they do not publish their lists of members.

Shri Kamath: Have instructions been issued to all State Governments that the grounds of detention should be Communicated to the detenus as soon as they are arrested and detained, and that inordinate delays should be avoided?

Shri Rajagopalachari: There again I should say that Government is not guilty of any such inordinate delays.

The courts will take full care if we are guilty of that offence and there is the Advisory Board as well.

Shri Kamath: Are the conditions of detention uniform in all States or do they vary from State to State?

Shri Rajagopalachari: They are uniform to the extent that they conform to the Act which we have passed. Wherever there is any discretion vested there must be some little difference.

Shri Kamath: Has any report reached Government about any detenu dying in detention?

Shri Rajagopalachari: I would like a separate question put on that.

Seth Govind Das: Is it a fact that among Part A States, in Madhya Pradesh there is not a single detenu?

Shri Sondhi: Is the implication, that there is no black-marketeer there?

Shri Rajagopalachari: I am afraid Madhya Pradesh has been inactive.

Shri Sondhi: I would like to know the number of detenus in the Punjab.

Shri Rajagopalachari: I shall answer this, though the full information is contained in the statement. The total number is 166, of which 82 are Communists, 1 Socialist and others including black-marketeers 83.

Shri A. C. Guha: What are the figures for West Bengal?

Mr. Deputy-Speaker: It is a long list and hon. Members who are interested in particular provinces will look into it.

Shri A. C. Guha: How many of these cases are still pending with the Advisory Board?

Mr. Deputy-Speaker: That was also asked the other day and an answer was given.

Shri Rajagopalachari: I have answered that fully the other day. I have not got the papers with me now.

Sardar Hukam Singh: Have the cases of all those persons who were under detention when the Act of 1951 was passed been revised or reviewed by the Advisory Board?

Shri Rajagopalachari: Yes, Sir, Otherwise under the Act they would have to be automatically released at a certain point of time.

Sardar Hukam Singh: May I know the further break-up of 'others'? What parties there are in 'others'?

The Minister of State for Finance (Shri Tyagi): It is not for the Government to break up the parties.

Shri Rajagopalachari: The statement, if the hon. Member will see, is according to the question put: Communist Party, Socialist Party, Praja Party, Forward Bloc, R. S. S., Hindu Mahasabha, Congress, and others.

Sardar Hukam Singh: Out of those still under detention may I know how many have been under detention for more than a year?

Shri Rajagopalachari: I would request the hon. Member to put a specific question so that I can look into it and answer.

Shri Kamath: Besides blackmarketers whom the Minister mentioned, who else is comprised in this last category of 'others'?

Shri Rajagopalachari: All except those whose names were given by the hon. Member in his own question.

Shri Kamath: During the last six months has any detenu been brought to trial and tried on any specific charge?

Shri Rajagopalachari: The detention is on grounds stated in the Act. If the person had committed any other offence he would probably have been tried for that also.

Shri R. Velayudhan: May I know whether the list given by the hon. Minister includes those persons who were detained under the public safety acts which were prevalent in some of the States including my own State?

Shri Rajagopalachari: It does, I presume. I say it offhand, but since the question was under the Preventive Detention Act the answer might have been perhaps restricted to that. I would not venture to answer.

Shri Deshbandhu Gupta: May I know whether this list also includes some editors who were detained for writing some objectionable articles?

Shri Rajagopalachari: If the question means whether the privilege enjoyed by Government under the Detention Act would also cover those practising the profession of journalism I say it might, but if a classification is wanted as to how many journalists were detained, that would be a separate question and that would mean an enquiry into the professions of the persons and not only the parties to which they belong. But if the question is only intended to show that the Government is so oppressive as to

even put editors into prison, it only indicates that sometimes even editors commit wrongs.

Shri Deshbandhu Gupta: May I know whether two instances have come to the notice of the hon. Minister during the last few weeks, one in P.E.P.S.U. and the other in Hyderabad, wherein two editors instead of being prosecuted have been detained. That is a departure from the policy which Government have been following so far. I want to know whether these cases are also included in this list.

Shri Rajagopalachari: If I am given notice of the cases and I am given an opportunity to look into the merits of the case I would be able to do justice to both sides of the question.

MULGAONKAR COMMITTEE REPORT

*320. **Shri Kamath:** Will the Minister of **Health** be pleased to state:

(a) whether Government propose to lay a copy of the Mulgaonkar Committee report on the Government Housing Factory on the Table of the House; and

(b) if not, the reasons therefor?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) and (b). A copy of the Moolgaonkar Committee's report will be placed on the Table of the House as soon as Government have taken a decision on the report of the Technical Committee on the Government Housing Factory of which Dr. S. S. Bhatnagar was the Chairman.

Shri Kamath: Have, Sir, the legal implications of the findings and recommendations of the Moolgaonkar Committee report been examined as was suggested by the Minister in the last session and has any decision been taken about legal action to be taken against the British consulting firm?

Rajkumari Amrit Kaur: The legal department has been consulted and its opinion is before the Government.

Shri Kamath: Is it a fact that there are difficulties about taking legal action because the agreement between the Government of India and the British firm was very defective and carelessly drawn?

Mr. Deputy-Speaker: It is awaiting the decision of the Government. Is it desirable to go into those matters and give a handle to others?

Shri Kamath: All right.

Is there any truth in certain Press reports that the name of the Government housing factory is going to be changed as no houses are being produced?

Rajkumari Amrit Kaur: I would ask the hon. Member not to listen to newspaper reports.

FLOODS IN ASSAM

*321. **Shri Kamath:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Assam Government has asked for any grant or loan for relief work in the areas affected by the recent floods; and

(b) if so, how much has been sanctioned for the purpose?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). We have not received any such request from Assam.

Shri Kamath: Has any report reached Government about the damage caused by floods?

Shri Rajagopalachari: Enquiries are being made in detail about the extent of damage caused by the recent floods. The enquiries are still proceeding.

Shri R. K. Chaudhuri: Is it known to the Government that there were devastating floods in upper Assam in the areas affected by earthquake last year? Also, that at the end of last month there was a very severe flood in the south bank of Kamrup? Are these facts known to Government?

Shri Rajagopalachari: It has come to the notice of Government and hence we are making detailed enquiries. But surely the Government of Assam is also aware of these?

Shri R. K. Chaudhuri: Is it not known to the Government that the Government of Assam is unable to meet the expenditure on relief on account of the vastness of the problem?

Shri Rajagopalachari: We are fairly liberal in regard to grants to Assam, but I have already answered the question: we have not received any such request yet from Assam.

Shri R. K. Chaudhuri: Will the hon. Minister be pleased to make a reference to the Government of Assam?

Shri Rajagopalachari: My hon. colleague, the Finance Minister would strongly object to encouragement of demands on the Central exchequer.

CENTRAL GRANTS FOR BACKWARD CLASSES

*322. **Shri Kshudiram Mahata:** Will the Minister of **Education** be pleased to state the amount of Central grants

in the years 1948, 1949, 1950 and 1951 sanctioned for the education of backward classes other than scheduled castes and scheduled tribes?

The Minister of Law (Dr. Ambedkar): Under the Government of India scheme of scholarships to Scheduled Castes, Scheduled Tribes and Other Backward Classes, scholarships are awarded to suitable Backward Classes candidates for their post-matriculation education in India. The expenditure incurred so far on award of scholarships to Backward Classes other than Scheduled Castes and Scheduled Tribes is as under:

1948-49 .....Rs. *Nil.*
1949-50.....Rs. 2,46,327.
1950-51.....Rs. 3,57,504.

In the year 1951-52, scholarships of the total value of Rs. 3,65,000 are likely to be awarded to Backward Classes candidates.

Shri Kshudiram Mahata: May I know whether any provincial allocations is made of the total sum before considering any particular application and, if so, on what basis?

Dr. Ambedkar: I do not suppose that there is any provincial allocation.

Shri Rudrappa: May I know the number of applications in 1949-50 and 1950-51?

Dr. Ambedkar: The figures are as follows:

1949-50. — Applications received 3006. Awards made 349.

1950-51. — Applications received 3830. Awards made 517.

Shri Rathnaswamy: What is the method adopted by Government to see that the grants given for the benefit of these backward classes are properly spent by the States?

Dr. Ambedkar: The money is not awarded to the States. The applications are disposed of by a Central Board. The States do not intervene at all.

Thakur Krishna Singh: May I know whether any lists of the backward classes in the merged States and Part B and Part C States have been prepared by the State Government concerned and is it not a fact that applications for scholarships presented by the students from these areas are not taken up because there is no such list?

Dr. Ambedkar: There is the list all right. These lists are made on the recommendations made by the various States.

Shri R. K. Chaudhuri: May I know when the lists of the backward classes were last revised?

Dr. Ambedkar: I require notice.

Dr. Deshmukh: Has any attempt been made to find out the population of these backward classes State-wise?

Dr. Ambedkar: At the moment, the question of population is quite unimportant.

Dr. Deshmukh: May I know if it is not a fact that the number of backward classes included in the Schedule of each State varies very considerably and that so far as Part C States are concerned the number of classes included are very few?

Dr. Ambedkar: That is quite possible, because a community which may be backward in one area may not be backward in another area.

Dr. Deshmukh: Is it not a fact that Part C States are more backward than the rest of India?

Dr. Ambedkar: That is probably an aspersion which they would not like.

Thakur Krishna Singh: Is it not a fact that the revised list was prepared before the Unions were formed and before the States were merged into the Provinces?

Dr. Ambedkar: That may be so, but how does it affect the issue? These lists are not hard and fast. They are revised every time.

Shri Deshbandhu Gupta: Is it not a fact that before these scholarships are awarded the amounts are allocated to different States on population basis and the distribution of the scholarships is also done through the States?

Dr. Ambedkar: So far as I understand, that is not the case.

Grants for promoting National Language

*323. **Shri Kesava Rao:** (a) Will the Minister of **Education** be pleased to state the amount of money spent during 1949-50 and 1950-51, towards promoting the national language?

(b) What are the private institutions and organisations which were given grant for this purpose?

(c) Have the Government of India set apart any amount towards grants to various non-Hindi speaking States?

The Minister of Law (Dr. Ambedkar): (a) Rs. 2,80,000 during 1949-50 and Rs. 1,05,000 during 1950-51.

(b) (i) Hindi Sahitya Sammelan, Allahabad.

(ii) Hindustani Cultural Society, Allahabad.

(iii) Indara Talim-o-Tarraqi, Jamia Millia, Delhi, for post literacy Hindi literature.

(iv) Akhil Bhartiya Hindi Parishad, New Delhi.

(c) Government is opening a special Section in the Ministry for promoting the cause of Hindi in non-Hindi speaking States and also intends to establish a central organisation. In this connection the expenditure involved will be borne by Government.

Shri Kesava Rao: Arising out of the answer to part (b) of the question, may I know whether any non-official organisations in non-Hindi speaking areas are given assistance by the Central Government?

Dr. Ambedkar: The facts are as I have stated in the answer to part (b).

Shri Kesava Rao: In answer to part (b), the hon. Minister stated the names of certain organisations which are situated either at Allahabad or at Delhi. I want to know whether any organisations other than those in Hindi-knowing areas are given any contribution by the Central Government.

Dr. Ambedkar: I do not know if there are any such organisations outside the places mentioned, and if there are probably they are too weak to carry on this sort of work.

Shri Kesava Rao: May I know whether the Government has got any idea of the extra expenditure incurred by the non-Hindi-speaking areas in connection with the promotion of Hindi in those areas?

Dr. Ambedkar: They might be doing it. There are State Governments which are very enthusiastic about the subject and they spend more money. There are others which are less enthusiastic and they spend less.

Mr. Deputy-Speaker: The hon. Minister has already said that the Government is considering the desirability of opening institutions and recognising them and having a central institution also for non-Hindi-speaking areas.

Shri R. K. Chaudhuri: Has the amount set apart for distribution to non-Hindi States been distributed already and if so, what is the amount allotted to Assam?

Dr. Ambedkar: I do not know that this has been done. I cannot give any information on the subject now.

Shri A. C. Guha: In view of the fact that the four institutions whose names the hon. Minister has given as receiving subsidies are situated either in Allahabad or in Delhi, may we know what are their functions and what is the purpose behind the grant of subsidies to these institutions?

Dr. Ambedkar: Because we want to spread Hindi and they have branches all over India.

Shri A. C. Guha: Have they branches all over India?

Dr. Ambedkar: One can draw a legitimate inference that they have branches all over India. Otherwise, they would not be given any subsidy.

Shri Shiv Charan Lal: What is the amount given to the Hindi Sahitya Sammelan during 1949-50 and 1950-51?

Dr. Ambedkar: I have not got the break-up figures.

सेठ गोविन्द दास : सन् १९४९-५० में इस सम्बन्ध में जो खर्च किया गया उस के बनिस्बत उस के बाद के साल में क्यों कम किया गया ?

[**Seth Govind Das:** Why has the expenditure incurred on this account this year been less as compared to the year 1949-50?]

Dr. Ambedkar: Because Hindi has spread very much.

सेठ गोविन्द दास : जो ग्रांट हिन्दी साहित्य सम्मेलन को दी गयी और जो जामिया मिलिया को दी गयी, उस में कितना फर्क है ?

[**Seth Govind Das:** What is the difference between the amounts granted to the Hindi Sahitya Sammelan and the Jamia Millia respectively?]

Dr. Ambedkar: As I said, on the basis of the figures which I have before me I am unable to make any such comparison. I have given totals.

सेठ गोविन्द दास : क्या गवर्नमेंट इस बात का पता रखती है कि जो कुछ ग्रांट दी जाती है वे संस्थाएं हिन्दी के प्रचार में कौन सा काम करती हैं और क्या इस की कोई

रिपोर्ट गवर्नमेंट के पास हर वर्ष या छः महीने या तीन महीने में आती है ?

[Seth Govind Das: Has the Government any information regarding the activities of those institutions and organizations which are being given the grants for the propagation of Hindi; and do the Government receive any yearly, half yearly or quarterly reports in this connection?]

Dr. Ambedkar: I think my hon. friend may legitimately presume that Government must be informed on this subject before making this contribution.

Shri Kesava Rao: May I know if any non-Hindi States have asked for a grant to promote Hindi in their States?

Dr. Ambedkar: I suppose every Government is in the habit of asking for grants.

Mr. Deputy-Speaker: The hon. Minister is giving answers which can be inferred by the hon. Members themselves. He is obviously not in a position to give detailed answers. Members may reserve their questions for the hon. Minister in charge when he comes here. It is no use putting hypothetical questions and getting hypothetical answers.

Seth Govind Das: I am not asking for details, but I am asking on a question of principle. क्या गवर्नमेंट के पास हिन्दी प्रचार के सम्बन्ध में कोई निश्चित योजना है या कोई इस प्रकार की योजना बनायी जा रही है या कोई योजना इस सम्बन्ध में अब तक तैयार नहीं हुई ?

[**Seth Govind Das:** I am not asking for details, but I am asking on a question of principle. Has the Government prepared any definite plan for the propagation of Hindi or is any such plan in the course of preparation, or is there no such plan at all?]

Dr. Ambedkar: I should like to leave this question to be answered by the hon. Minister of Education.

Visit of Indian Flag Ship to Foreign Countries

*324. **Shri Kesava Rao:** (a) Will the Minister of **Defence** be pleased to state the countries visited by the Indian Flag Ship *'Delhi'*?

(b) What is the purpose of these visits?

The Deputy Minister of Defence (Major. General Himatsinhji): (a) After leaving the United Kingdom in July 1948, I.N.S. *'DELHI'* visited the following places:

Gibraltar	July, 1948.
Malta	August, 1948.
Aden	September, 1948.
Colombo	December, 1948.
Seychelles	May, 1949.
Mauritius	May, 1949.
East Africa	June, 1949.
Aden	June, 1949.
Indonesia	June, 1950.
Malaya	July, 1950.
East Africa	June-July, 1951.
Addu Atoll (Indian Ocean)	July, 1951.

In addition, I.N.S. *'Delhi'* pays frequent visits to Trinocamalee (Ceylon) for exercises and carries out normal training cruises on the Indian coast.

(b) The main object of all these cruises is to provide training and sea experience. The visits to foreign countries also serve as goodwill cruises.

Shri Kesava Rao: May I know whether the Indian Flagship visited these places on the invitation of those countries, or on the initiative of the Government of India?

Major-General Himatsinhji: Some of these visits were on invitation from the respective countries; others after consultation with the Royal Navy. We also give the same facilities as far as the Royal Navy is concerned.

Mr. Deputy-Speaker: I would suggest to hon. Ministers that whenever an answer to a question contains long statements, the best course would be to give a copy of it to the Notice Office, so that hon. Members may look into it, instead of taking up the time of the House by reading it here.

Shri Kamath: As regards the countries selected for this cruise, were they selected with a view to promoting or increasing the goodwill already existing, or were they chosen because there was lack of goodwill there?

Major-General Himatsinhji: That was the reason why I wanted to read out the names of places visited by our Navy. There was goodwill there already and the facilities afforded to our ships during their cruise go to show that the other countries were coperating with us.

ELECTRICITY FOR VILLAGES

*325. **Dr. M. V. Gangadhara Siva:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any comprehensive policy has been formulated with a view to supplying cheap electricity to rural parts in India;

(b) whether Government propose to supply cheap electricity to villages for agricultural farming, cottage industries, and local arts and crafts; and

(c) the progress made in connection with Government's proposals to establish statutory Electricity Boards to develop electrically backward areas in general and rural electrification in particular?

The Deputy Minister of Works Production and Supply (Shri Buragohain): (a) Yes, Sir. The Eletricity (Supply) Act, 1948, was enacted in 1948 for the purpose of rationalisation of production of and supply of electricity and generally for taking measures conducive to the electrical development of the States of India.

(b) While it is the function of the Central Government to formulate a comprehensive power policy, the actual implementation thereof, *viz.*, extension of the scope of cheap electric power supply to the rural areas for agricultural purposes, cottage industries etc., rests with the State Governments concerned, as electricity is a concurrent subject. It is expected that the Electricity Boards envisaged in the Electricity (Supply) Act, 1948, when set up in the States, will in due course, accomplish this object.

(c) So far, Electricity Boards have been set up only in two States, *viz.* Delhi and Madhya Pradesh.

Shri R. K. Chaudhuri: Is the Government aware that in some villages of Naga Hills cheap electricity is now being distributed by village associations? Is it the policy of the Government to help such organisations, or has any help been given to those villages?

Shri Buragohain: With regard to the first part of the question, it is a fact that some private parties—villagers themselves—have arranged power supply to their own villages. But the question of assistance will be a matter for the State Government of Assam.

Dr. M. V. Gangadhara Siva: May I know, Sir, whether any hydroelectric schemes are contemplated in the area of Rayalaseema in the Madras State?

Shri Buragohain: As I have already stated, it is a matter for the State Government. Anyway I have not got the information with me at the moment.

Shri Rudrappa: What is the policy of the Central Government with regard to extension of electricity by the States to rural areas—will they favourably consider requests for loans?

Shri Buragohain: All these matters are provided for in the Electricity Act which has not yet come into force in the States, except the two which I mentioned.

Shri R. K. Chaudhuri: In the meantime, is it not the policy or the intention of the Government of India to help these State Governments in these matters so far as extension of electricity to rural areas is concerned?

Mr. Deputy-Speaker: That is a matter for the State Governments.

گیانی جی - ایس - مسافر : کیا سرکار نے صوبے کی سرکاروں کو ایسا کوئی انسٹرکشن بھیجا ہے یا بھیجنے کا ارادہ رکھتی ہے کہ کھیتی باڑی کے کام میں بجلی لینے میں الکٹرک کنکشن لینے میں کوئی پریفرینس دیا جائے ؟

[**Giani G. S. Musafir:** Have the Government sent, or do they intend sending, any instructions to the State Governments asking them to give preference to requisitions for electric connections for purposes of agriculture?]

Shri Buragohain: As I have already stated, so far as the Central Government is concerned, its main responsibility is the framing of a uniform policy. The implementation of that policy is left to the State Governments.

Shri Deshbandhu Gupta: May I know, Sir, whether Government is satisfied with the working of the Delhi Electricity Board? Is it a fact that a reparation electricity plant which was received from Germany was offered to the Electricity Board or D.C.E.P.A. here for utilisation in Delhi but they refused to avail of it on the ground that it was no good, whereas the same plant is being profitably worked in Faridabad by a non-official organisation and at a much cheaper cost than the estimate which was given to these people by Government experts?

Shri Buragohain: If the hon. Member wants details of the question that he has raised I should like to have notice.

But if he wants to know the position with regard to Delhi I may give him that information.

The position with regard to Delhi is that the Board has been created and proposals for the extension of electricity supply to the whole of the State are under consideration. Additional generating capacity of 19,200 kw. is being added to the existing station and proposals are also being worked out to receive 20,000 kw. from the Nangal project for utilisation in Delhi by the end of 1953. It may, therefore, be expected that the State of Delhi will be in a position to embark on a scheme for the extension of electricity supply to most of the rural areas by that time.

PRODUCTION OF QUININE IN INDIA

*326. **Dr. M. V. Gangadhara Siva:** Will the Minister of **Health** be pleased to state what steps have been taken for the production of quinine in India, so as to make India self-sufficient in this respect?

The Minister of Health and Communications (Rajkumari Amrit Kaur): Quinine is being produced at present by the Governments of West Bengal and Madras who own cinchona plantations and factories. Total production of quinine by these Governments is about 1,00,000 lbs. a year against an annual estimated consumption of 1,50,000 lbs. in this country. The balance of the requirements is met by the import of quinine salts. In addition synthetic antimalarial drugs like Paludrine are also imported. The Madras Government have certain plans for increasing Quinine production. The future policy relating to cinchona cultivation is under the consideration of the Government of India in consultation with the Governments of West Bengal and Madras.

Dr. M. V. Gangadhara Siva: May I know the quantity of quinine that is in stock in India at present?

Rajkumari Amrit Kaur: The Government of India has a reserve stock of quinine to the extent of 200,000 odd lbs. The quantity with the Governments of West Bengal and Madras amounts to over 100,000 lbs. In addition the Government of India has a stock of Mapacrine tablets to the extent of about 76,000 lbs.

Dr. M. V. Gangadhara Siva: What are the places where substitutes or quinine are manufactured and what are the prices of such substitutes as compared to quinine?

Rajkumari Amrit Kaur: I could not follow the question.

Mr. Deputy-Speaker: The hon. Member wants to know the places where sulphate of quinine is manufactured.

Rajkumari Amrit Kaur: I would like to have notice of that question.

Shri R. Velayudhan: May I know, Sir, whether there is a large quantity of quinine lying idle in the Madras State, because it has not been taken by the Central Government?

Rajkumari Amrit Kaur: I have explained that it is not so.

Shri R. Velayudhan: Instead of allowing the quinine to lie idle with the Madras Government.....

Mr. Deputy-Speaker: How is it assumed that it is lying idle?

Shri R. Velayudhan: The Minister herself gave an answer to that effect.

May I know, Sir, whether the Madras Government have asked for any subsidy from the Centre for the cultivation of quinine in Madras State?

Mr. Deputy-Speaker: The hon. Minister stated that some correspondence has been going on with the Madras Government for increase of area under cinchona.

Shri Kamath: Apart from the production and import of quinine to combat malaria, what measures by way of prevention have been taken for the destruction of mosquitoes?

Mr. Deputy-Speaker: How does it arise?

Dr. M. V. Gangadhara Siva: My question was about substitutes of quinine, not sulphate of quinine.

Mr. Deputy-Speaker: That has also been answered—76,000 lbs.

Rajkumari Amrit Kaur: The main substitute which is used to a large extent in India is Paludrine.

Shri R. K. Chaudhuri: May I know if quinine of any appreciable quantity has been produced from the Government cinchona plantations in Assam which were started about thirty years ago?

Rajkumari Amrit Kaur: Assam is not one of the producing States of quinine.

Shri R. K. Chaudhuri: Is any raw material for quinine got from Assam?

Rajkumari Amrit Kaur: Presumably West Bengal make use of the raw material.

Pandit Munishwar Datt Upadhyay: Has the area under the cultivation of cinchona increased during the last three years; if so by how much?

Mr. Deputy-Speaker: It was stated that attempts have been made.

Rajkumari Amrit Kaur: I could not give the acreage that has increased.

Shri Kesava Rao: May I know whether it is a fact that the Central Government has asked the Madras Government to stop the increase in area under cinchona cultivation due to the development of other substitutes?

Rajkumari Amrit Kaur: That is not so. The Government of India is in correspondence with the Madras Government who want to increase the acreage. They have asked to have a conference and we have agreed to have a conference. They have asked for the appointment of a special committee to look into certain questions. We have also agreed to that.

UNAUDITED FUNDS OF GOVERNMENT

*327. **Dr. M. V. Gangadhara Siva:** Will the Minister of **Finance** be pleased to state:

(a) how many unaudited funds there are in the departments of the Government of India;

(b) the particulars of these funds and in what department they are held;

(c) how much has been spent from these unaudited funds in the 1st financial year; and

(d) the control which the Ministry of Finance exercises over the expenditure?

The Minister of State for Finance (Shri Tyagi): If the reference is to funds formally constituted as such, out of monies paid from the Central Government's exchequer, the answer is "nil" to part (a); and parts (b), (c) and (d) of the question do not arise.

Dr. M. V. Gangadhara Siva: May I know whether the hon. Minister has a watch over them from the financial point of view?

Shri Tyagi: When there are no funds there is no watching needed.

Dr. M. V. Gangadhara Siva: What is the total amount of such unaudited funds?

Shri Tyagi: I have already stated that there are no unaudited funds created from the Government departments.

Mr. Deputy-Speaker: The hon. Member evidently wants to know about such other funds which may be of a secret nature, whether they are audited or not. It is open to the hon. Minister to reply or not to reply so far as that question is concerned. It may or may not be in the public interest to disclose the information. But the hon. Member is evidently referring to other funds in the hands of the Government of India, not relating definitely to a particular department.

Shri Tyagi: There are no funds as such. But secret expenditure, if it is incurred, is all sanctioned by the budget, and it is from the regular budget items that such expenses are incurred.

Mr. Deputy-Speaker: Are they audited?

The Minister of Finance (Shri C. D. Deshumkh): There is provision for audit, Sir.

I.A.F. TRAINING COLLEGE, BANGALORE

*328. **Sardar Hukam Singh:** Will the Minister of **Defence** be pleased to state:

(a) the number of trainees who have so far completed their courses in the I.A.F. Technical Training College at Bangalore since its inception;

(b) the various branches or particular technical courses they have been trained in; and

(c) the number that is undergoing training just at present?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) and (c). It is not in the public interest to give this information.

(b) *I. Officers*

(i) Technical Engineering.

(ii) Technical Signals.

(iii) Electrical Engineering.

(iv) Armament.

II. Apprentices.

(i) Armourer.

(ii) Electrician.

(iii) Flight Mechanic (Airframes).

(iv) Flight Mechanic (Engine).

(v) Instrument Repairer.

(vi) Radar Operator.

(vii) Wireless Operator Mechanic.

Sardar Hukam Singh: Is this institution now equipped with facilities to impart all parts of technical training for the I.A.F.?

Major-General Himatsinhji: Yes, Sir. It gives facilities for the required type

of training. Also whenever necessary, this College provides for refresher advanced technical training to existing technical officers of the I.A.F.

Sardar Hukam Singh: May I know how many batches have been turned out after the training?

Major-General Himatsinhji: The Training school started two years ago, and the officers' course is for one year. Therefore two batches have been turned out. The apprentices course is for two years duration and therefore the first batch has completed recently.

Sardar Hukam Singh: After the training are the trainees suited to take up their jobs directly into the I.A.F., or do they require any further training?

Major-General Himatsinhji: Sir, they join the various branches of the I.A.F. directly after the training.

Shri R. Velayudhan: Is it not a fact that the number of the students who could be admitted in this institution was already advertised in the papers?

Major-General Himatsinhji: No, Sir, not to my knowledge.

MAHATMA GANDHI'S LIFE IN PICTURES

*330. **Dr. Ram Subhag Singh:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that there is a plan for the production of a two-volume book on Mahatma Gandhi's life in pictures; and

(b) if so, what is the estimated cost of producing that book?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) Yes, Sir. A proposal is under consideration for the production of an album of Mahatma Gandhi's pictures in 2 volumes.

(b) Details have not yet been finalised; no reliable estimate can therefore be given.

Dr. Ram Subhag Singh: May I know the names of the persons who are going to be entrusted with the task of preparing this book?

Shri Diwakar: It is being prepared in our Publications Division.

सेठ गोविन्द दास : इस सम्बन्ध में क्या कुछ विशिष्ट संस्थाओं और व्यक्तियों की भी सहायता ली जा रही है, खास कर वर्धा से ?

[**Seth Govind Das:** Is any assistance being sought from certain institutions and persons in this connection, especially from Wardha?]

श्री दिवाकर : जरूर, जिन से सहायता मिल सकती है, उन सब की सहायता ली जा रही है ।

[**Shri Diwakar:** Certainly, assistance is being sought from all those who are in a position to give it.]

सेठ गोविन्द दास : क्या गवर्नमेंट ने इस सम्बन्ध में कोई योजना तैयार की है कि इस विषय में किन किन संस्थाओं और किन किन व्यक्तियों को सहायता के लिये लिखा जाय ?

[**Seth Govind Das:** Has the Government prepared any plan as to which institutions and persons should be approached for assistance in this connection?]

श्री दिवाकर : वह ठीक ठीक मैं अभी नहीं बता सकता ।

[**Shri Diwakar:** I cannot give that information properly, at this time.]

Dr. Ram Subhag Singh: May I know by what time this book is going to be prepared?

Shri Diwakar: It is yet a proposal and it may require some time. I cannot say exactly what time it will take.

CANCER RESEARCH CENTRE, BOMBAY

*331. **Shri S. C. Samanta:** Will the Minister of Health be pleased to state:

(a) how much has the scheme to develop the Cancer Research Centre, Bombay, into a post-graduate and research centre on an All-India basis, progressed up till now;

(b) what is the rough estimate of recurring and non-recurring expenditure for the proposed new institution; and

(c) who will meet the expenses?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) The Director and staff of the Centre have been appointed and the Centre has started to function. Research work is being carried on in collaboration with the Tata Memorial Hospital. The new building for the Research Laboratory is under construction.

(b) Rs. 4,95,000 non-recurring and Rs. 1,00,000 recurring.

(c) Government of India.

Shri S. C. Samanta: May I know how much money has been specially allotted for the construction of this building?

Rajkumari Amrit Kaur: I cannot tell you the exact figures, but I think it is in the neighbourhood of Rs. 2½ lakhs for the building.

Shri S. C. Samanta: May I know whether such outside organisations as the World Health Organisation and others have come forward to help in this enterprise?

Rajkumari Amrit Kaur: The World Health Organisation, if we want them to do so, will always be willing to give us technical aid.

Shri Kamath: Has the Minister got any figures as regards the incidence of cancer in India?

Rajkumari Amrit Kaur: I am afraid I have not.

Shri Lakshmanan: May I know whether the Atomic Energy Commission provides any funds for this research?

Rajkumari Amrit Kaur: No, Sir.

Shri S. C. Samanta: May I draw the attention of the hon. Minister to the report appearing in today's paper, in the "Hindustan Times" that the Atomic Energy Commission is taking interest in this thing?

Rajkumari Amrit Kaur: I have not seen the report referred to.

Prof. S. L. Saksena: Will the hon. Minister be in a position to supply some figures about the incidence of cancer at a future date?

Rajkumari Amrit Kaur: There is a very large incidence of cancer in our country, but it is extremely difficult to supply statistics in any sphere yet.

An Hon. Member: You can collect the statistics from hospitals.

Rajkumari Amrit Kaur: We can try, but it is extremely difficult to get accurate statistics.

Mr. Deputy-Speaker: The Question Hour is over.

Short Notice Question and Answer

Shortage of Foodgrains in Madras

Shri V. K. Reddy: (a) Will the Minister of **Food and Agriculture** be pleased to state whether Government are aware that people in the rural areas of Madras State are not able to get foodgrains?

(b) Is it a fact that Madras State Government has reduced the rice content of ration from 8 ozs. to 6 ozs.?

(c) Is it a fact that in rural areas where there is no regular rationing, people are not provided with any kinds of foodgrains?

(d) Is it a fact that carrying of foodgrains from village to village is banned?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) This is not correct.

(b) Yes. In the statutorily rationed areas the State Government have reduced the rice content of the ration from 8 ozs. to 6 ozs. from 12th August, 1951.

(c) and (d). No, Sir.

Shri V. K. Reddy: Is the Minister aware that the wheat supplied to Madras State is not properly being used there and the rural people are unable to use wheat?

Shri K. M. Munshi: I do not think that it is correct because except in 4 districts rural rationing was abolished and in its place the Madras Government introduced a system of having cheap grain shops. At the end of March there were 1,593 shops serving a population of 3·2 millions. On the 15th of July 1951, the number of shops rose to 5,736 and it now serves a population of 11·6 million people. The total number of shops since 31st July have further increased to 6,636 and at all these shops 12 ounces rations are given, which include only 2 ounces of rice and therefore it is not correct to say that all this wheat is not consumed by the people.

Shri V. K. Reddy: Has the Government received any report from the Madras Government regarding the food position in the Madras State recently?

Shri K. M. Munshi: I have been in constant touch with the Ministers and I had been to Coimbatore to see the conditions myself.

Shri V. K. Reddy: May I know what action the Government proposes to take during the next 4 or 5 months?

Shri K. M. Munshi: I propose to supply to the Madras Government all that has been saved and which is sufficient for its needs.

Shri V. K. Reddy: May I know the rice position of the Madras State at present?

Shri K. M. Munshi: I am not in a position to say that exactly because I

have not got the figures. But it is enough to supply the present rations to the statutorily rationed areas and 2 ounces to the rural population.

Shri V. K. Reddy: May I know if the Government are prepared to permit the State Government to exchange rice for wheat and *vice versa*?

Shri K. M. Munshi: I answered that question only yesterday evening. I would have no objection to any other State exchanging it and so far as the Central Government is concerned, it would be too glad to do it, provided it has the rice. As it has none, it cannot do it.

Shri V. K. Reddy: May I know whether the Madhya Pradesh Government has promised *jowar* in place of wheat to the Madras Government?

Shri K. M. Munshi: I am yet to learn that the Madhya Pradesh Government was willing to give *jowar*, I have no objection if they are willing to exchange. In that case I will give them wheat.

Shri V. K. Reddy: Will the Minister send instructions to the State Governments regarding the exchange of foodgrains?

Shri K. M. Munshi: As I pointed out the Madras Government is almost having a bi-weekly or tri-weekly contact with the Centre and if it wants, it has simply to put a telephone call and get it done. There is no need to send instructions to other State Governments.

Shri Kesava Rao: May I know whether the Government is aware that the Madras State is not in a position to supply more than 6 ounces of rice?

Shri K. M. Munshi: I have said that the present quantity at their disposal and the quantity of rice which the Centre can supply from imported rice is just enough to go round the whole Presidency with 6 ounces in the statutorily rationed areas and 2 ounces in the rural areas.

Shri Karunakara Menon: Are the Government aware that along with the reduction in the quantity of rice the ration prices have been increased and the quality has deteriorated?

Shri K. M. Munshi: First of all this clamour about reduction requires a little scrutiny. In the beginning of the year the Government was giving 6 ounces. It is only on the 24th of June that it rose to 8 ounces. Then suddenly the supply of rice in the rural areas which were de-rationed ran short and they had to give 2 ounces to the rural areas and that is why they had to expend about 25,000 tons of rice for the rural areas. So for the State areas there was a short fall and hence they had to reduce it from 8 ounces to 6 ounces. So from the beginning of the year up to June there is only 6 ounces of ration.

Shri Rathnaswamy: Have reports reached the Centre that as a result of abolition of rationing in the rural parts the poorer classes have been very much hard hit?

Shri K. M. Munshi: As a matter of fact this rural de-rationing was introduced at the urgent request of the Madras Government after a long and strenuous public criticism of the then existing system and after consulting almost all the Members from Madras here. It has gone so far not unsatisfactorily and if we continue the old system, things would be much worse.

Shri Karunakara Menon: My question is whether the Minister is aware that along with the reduction in the rice ration, prices have been increased and the quality has become deteriorated?

Shri K. M. Munshi: As regards the first, invariably when in statutorily rationed areas you reduce the quantum of a particular ration, the result is that there is a tendency for people to go and buy in the black market and therefore the black market price rises but the 6 ounces are at the official rate.

As regards the quality it is very difficult to say because the quality of rice which is submitted to us from time to time by the Madras Government or the people of Madras have been examined here and except that the chaff is not taken out it is as good a quality as happens to be supplied by foreign countries to India.

Mr. Deputy-Speaker: The hon. Member wants to know if the controlled price has not been increased. They are fixed by the Centre.

Shri K. M. Munshi: That is because we are getting them from foreign countries at much higher prices and you cannot have the luxury of importing foodgrains and getting it at a cheaper price.

Shri Kamath: Is it a fact that in the South in Coonoor, Coimbatore or Tranvancore or somewhere else synthetic rice is being produced or is going to be produced shortly on a large scale and if so, how far is that expected to ease the situation with regard to natural rice?

Shri K. M. Munshi: I have examined the question about synthetic rice. An

experiment is going on in Bangalore laboratory. There is a demand also in Travancore to have a factory but it is a moot question on which I am not competent to say anything. They are taking tapioca worth Rs. 3 or 4 and add groundnuts sythetically prepared to it and raise the price to Rs. 14 or 15 and there will be the processing charges. I do not know whether it will be welcomed by the country.

Shri Kamath: Does it taste like natural rice or differently?

Shri K. M. Munshi: The whole question today is that it is on a laboratory basis. It is not on a basis of feeding millions of people.

Shri Kamath: What about its taste?

Shri Sidhva: Has the hon. Minister tasted it himself?

Shri K. M. Munshi: I have seen it cooked; I have seen it myself.

Shri Sidhva: How do you like it?

Shri K. M. Munshi: It is a next cousin of rice.

Mr. Deputy-Speaker: Hon. Members will have an opportunity of tasting this rice individually, later on.

Shri K. M. Munshi: I am quite willing to supply it to such hon. Members as want to taste it, if the quantity desired is not too much.

Shri Karunakara Menon: What were the reasons which led the Government to increase the quota from 6 ozs. to 8 ozs. and then decrease it from 8 ozs. to 6 ozs. again?

Shri K. M. Munshi: As I pointed out, the Madras Government approached the Centre to raise the quantity from 6 ozs. to 8 ozs. in June. Their idea was that there was in the countryside enough supply of rice to allow the rural population to supplement their diet by a little rice. Then suddenly in some districts the supply of rice ran short. Therefore they began to demand that they must be given something as they had to supply 2 ozs. to the rural fair-price shops. The result was, the total stock was unexpectedly drawn upon. So they had to reduce the quantity from 8 ozs to 6 ozs.

Mr. Deputy-Speaker: Mr. Sondhi.

Shri Sidhva: But who made the wrong estimate, was it the Madras Government or the Centre?

Shri K. M. Munshi: It is a matter of high statistics which I do not pretend to know.

Shri Sondhi: Sir, you called out my name, but before I could start, Mr. Sidhva interloped.

Is it not the fact that in the Punjab which is primarily a wheat-eating area, rice is being supplied in the ration shops to the full quota, whereas in the South the people are crying for it?

Shri K. M. Munshi: The Centre has been asking the Punjab Government to give it the 19,000 tons of rice which it possesses and negotiations are going on.

Shri Sondhi: By the time the negotiations are over all the rice would have been eaten up. You have only to ask for it now.

Shri K. M. Munshi: Even asking may be a request.

Shri Sondhi: It is all your worry now. There is no ministry there to stand in your way.

Shri K. M. Munshi: I had a conversation with the Governor and very shortly we will be able to get a considerable quantity of rice.

WRITTEN ANSWERS TO QUESTIONS

CANTEEN STORES DEPARTMENT

*329. **Shri A. B. Gurung:** Will the Minister of **Defence** be pleased to state:

(a) whether canteen stores department is a separate establishment from Canteen Board; and

(b) what methods are in vogue with regard to the purchase of canteen stores consumed by the military personnel?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) No.

(b) Purchases of Canteen Stores, both imported and indigenous, are mainly confined to goods of known brands, which are bought directly from the manufacturers/suppliers by the Canteen Stores Department (India). However, purchases of Hydrogenated oil are made through the Ministry of Food.

TRANSLATION OF THE REPRESENTATION OF THE PEOPLE ACTS

*332. **Shri S. N. Das:** Will the Minister of **Law** be pleased to state:

(a) whether the Government of India have sent any directions to the various State Governments to translate the Representation of the People Acts into State languages; and

(b) if so, whether copies of these Acts are available for sale to the public?

The Minister of Law (Dr. Ambedkar): (a) and (b). Yes, Sir. The State Governments have been asked to translate the Representation of the People Acts into the respective State languages other than Hindi and to make copies thereof available for sale at an early date. The Acts have been translated into Hindi in the Law Ministry. Copies of translations of two of them (Acts 43 of 1950 and 73 of 1950) are available for sale with the Manager of Publications, Delhi and copies of the other two (Acts 27 and 43 of 1951) which are under print will be available shortly.

ACTIVITIES OF INDIAN COUNCIL OF CULTURAL RELATIONS

*333. **Shri S. N. Das:** (a) Will the Minister of **Education** be pleased to state to which of the new countries the activities of Indian Council of Cultural Relations have been extended during this year?

(b) What are the forms of activities in these countries?

(c) What is the total amount of expenditure that these extended activities will involve?

The Minister of Law (Dr. Ambedkar): (a) During the current year the activities of the Indian Council for Cultural Relations have not been extended to any new country as yet, but it is proposed to do so to Ceylon, Thailand, Indonesia and Burma.

(b) Does not arise.

(c) These extended activities will involve an expenditure of Rs. 1,15,000 during 1951-52, and Rs. 2,00,000 in subsequent years.

EARLY DISPOSAL OF INCOME-TAX CASES

*334. **Shri T. N. Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether any steps have been taken by Government in regard to early and quick disposal of income-tax cases;

(b) whether any special encouragements have been offered to Income-tax Officers for the purposes; and

(c) if so, the nature of such encouragements?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes, Sir. A conference of Commissioners of Income-tax was held in New Delhi on the 12th, 13th and 14th May 1951 and one of the important decisions taken in that conference was that a special drive for the clearance of arrears of income-tax assessments and also recovery of arrears of tax would be launched with effect from 1st June 1951. The drive has actually been launched with effect from that date.

The important decisions in the Commissioners' conference relating to the drive for clearance of arrear assessments were that—

(1) the assessment proceedings should, as far as possible, be simplified by cutting out unnecessary procedural technicalities and avoiding meticulous scrutiny and calculations;

(2) every possible assistance should be given to assessees by the staff of the Department, (and assessees have been asked to co-operate fully);

(3) inspectors in the Income-tax Department should assist the Income-tax Officers in the actual assessment work, keeping in abeyance, for the time-being, the survey work;

(4) officers in the Special Investigation Branch attached to each Commissioner's office should be given assessing powers to enable them to dispose of any cases in respect of which investigation is completed by them; and

(5) increasing the strength of Appellate bodies, since the large arrears of appeals have been a bottle-neck.

These decisions have already been implemented. Steps are being taken expeditiously to fill in all the existing vacancies of Income-tax Officers and Inspectors. Three posts of Inspecting Assistant Commissioners, seven posts of Appellate Assistant Commissioners and 60 posts of Income-tax Officers Class II have already been sanctioned and steps are being taken to fill up those posts.

It is yet too early to judge the result of the drive, but reports that are coming in indicate that a very substantial portion of the large arrears of assessment work will have been finished before the end of the current financial year.

(b) and (c). No, Sir, but certain anomalies creating hardship regarding increments and confirmation have been removed.

मध्य प्रदेश नदी घाटी परियोजनायें

*३३५. **श्री जांगड़े** :(क) क्या प्राकृतिक संसाधन तथा वैज्ञानिक अनुसंधान मंत्री यह बतलाने की कृपा करेंगे कि मध्य प्रदेश में जुलाई तक कितनी नदी घाटी परियोजनाओं पर कार्य किया जा रहा था ?

(ख) इस समय जितनी नदी घाटी परियोजनाओं पर कार्य किया जा रहा है उन में से सरकार कितनी परियोजनाओं पर कार्य जारी रखने का तथा कितनों को त्याग देने का विचार करती है ?

(ग) ऐसा किये जाने के क्या कारण हैं ?

MADHYA PRADESH RIVER VALLEY PROJECTS

[*335. **Shri Jangde:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state how many River Valley Projects in Madhya Pradesh were in hand upto July?

(b) How many of the River Valley Projects, which are in hand at present, are contemplated by Government to be continued further, and how many to be dropped?

(c) What are the reasons therefor?]

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Five. Bargi, Tawa, Punasa, Mahanadi and Jonk.

(b) and (c). Except Bargi, which has been suspended under the advice of the State Government, investigations on all the other projects will be continued.

FILM ENQUIRY COMMITTEE REPORT

*336. **Shri Kishorimohan Tripathi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government have finished consideration of the Film Enquiry Committee Report; and

(b) which of the major recommendations of the Committee have been accepted?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) and (b). The hon. Member's attention is invited to my reply to part (e) of Starred Question No. 128 on 9th August 1951.

PUBLISHED NEWSPAPERS AND PERIODICALS

*337. **Shri Kishorimohan Tripathi:** Will the Minister of **Information and Broadcasting** be pleased to state the number of newspapers and other periodicals under publication in India in each of the regional languages as on the 15th August, 1947 and the 15th August, 1950?

The Minister of State for Information and Broadcasting (Shri Diwakar): Information is being collected from State Governments and will be placed on the Table of the House.

The hon. Member's attention is, however, invited to the statement recently placed on the Table of the House in pursuance of my reply to starred question No. 2713 put by Shri Deogirikar on 2nd April 1951. This statement furnishes information regarding newspapers and other periodicals under publication in India in each of the regional languages and in English as on the 1st January, 1951.

EXPENDITURE ON FINANCE COMMISSION

*338. **Shri Amolakh Chand:** Will the Minister of **Finance** be pleased to state:

(a) the approximate month from when the Finance Commission will actually begin to function at Delhi; and

(b) the estimated cost of expenditure for the current financial year?

The Minister of Finance (Shri C. D. Deshmukh): (a) The Commission is likely to begin functioning in October 1951.

(b) It is impossible to give a precise estimate until the Commission has been constituted as a whole but the expenditure this year is unlikely to exceed the budget provision of Rs. 1·75 lakhs.

LADY MOUNTBATTEN CLINIC

*339. **Shri Amolakh Chand:** Will the Minister of **Health** be pleased to state:

(a) whether the mobile clinic unit presented by Lady Mountbatten at London has reached Delhi; and

(b) if so, whether Government propose to have such units assembled and made in India for rural areas in the near future?

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) Not yet; it is expected to reach

Bombay on the 5th September, 1951.

(b) Such vans can be of great service but owing to financial stringency Government have to move slowly. Some mobile dispensaries are, however, already working in Part 'C' States. In this connection attention is invited to the reply given to part (c) of starred question No. 4431 on the 23rd May, 1951.

CIVIL DEFENCE PREPARATIONS

*340. **Shri Alexander:** (a) Will the Minister of **Home Affairs** be pleased to state what progress has been made in the civil defence of India especially in Punjab, Delhi etc., in view of the abnormal situation along our border?

(b) Is any A.R.P. training intended to be given and what are the other A.R.P. preparations taken and if not, why not?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The attention of the hon. Member is drawn to the speech of the Prime Minister in Parliament on the 11th August in reply to the debate on the President's address.

SAVINGS BANK DEPOSITS OF VINDHYA PRADESH STATE BANKS

*341. **Shri Dwivedi:** Will the **Minister of Finance** be pleased to state:

(a) the steps taken to return the public deposits under Savings Bank account in the various state Banks of Vindhya Pradesh which have been merged into state treasury as a result of financial integration;

(b) the total amount of deposits;

(c) the total number of depositors;

(d) whether requests have been made, from time to time, for the refund of such deposits;

(e) the cause of delay in the return;

(f) the amount of interest accruing as a result of this delay;

(g) whether any action is being taken against the persons responsible for the delay; and

(h) the time likely to be taken in the repayment of these deposits?

The Minister of Finance (Shri C. D. Deshmukh): (a), (b) and (d) to (g). The attention of the hon. Member is invited to my reply on the 9 May 1951 to his Unstarred Question No. 286. The information required by him is contained in the papers laid on the Table of the House on the 17 August, 1951.

(c) and (h). The information is being collected and will be laid on the Table.

जबलपुर केन्द्रीय आर्डनेन्स डिपो

*३४१ - क. सेठ गोविन्द दास : क्या रक्षा मंत्री यह बतलाने की कृपा करेंगे :

(क) हाल ही जबलपुर केन्द्रीय आर्डनेन्स डिपो में की गई छंटनी में निकाले गए कर्मचारियों की संख्या ;

(ख) क्या उन में से कुछ कर्मचारियों को पुनः सेवायुक्त किया गया है ; तथा

(ग) क्या पुनः सेवायुक्त किए गए कर्मचारियों को सेवा की उसी श्रेणी में और उसी वेतन पर लिया गया है ?

JUBBULPORE CENTRAL ORDNANCE DEPOT

[*341-A. **Seth Govind Das:** Will the Minister of **Defence** be pleased to state:

(a) the numer of personnel recently retrenched from the Jubbulpore Central Ordnance Depot;

(b) whether some of them have been taken back into service; and

(c) whether the re-employed persons have been taken back into the same category of service and on the same pay?]

The Deputy Minister of Defence (Major-General Himatsinhji): (a) 332, during the 6 months ending 31st July 1951.

(b) Yes, Sir.

(c) Only 96 have been taken back in their old jobs and 178 in other similar appointments.

TRAINING SOCIAL WORKERS

*342. **Shri D. S. Seth:** Will the Minister of **Education** be pleased to state for how many scholarships Government have made provision for training social workers at the Tata School of Social Science at Bombay and the Delhi School of Social Work?

The Minister of Law (Dr. Ambedkar): No Scholarships have been provided for.

FACILITIES TO INDIAN STUDENTS

*343. **Shri R. K. Chaudhuri:** Will the Minister of **Education** be pleased to state what facilities and assistance, if

any, are generally given to Indian students who desire to get education abroad, particularly, in the U.K. and America, at their own expense?

The Minister of Law (Dr. Ambedkar): The Government of India help students in securing admission to foreign universities/institutions as desired by them. Priority passage upto U.K. and foreign exchange facilities are also arranged as well as their reception and accommodation in the country of study.

JUDICIAL INQUIRY IN COOCH-BEHAR FIRING

65. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the judicial inquiry into the police firing in Cooch-Behar in May last has been completed;

(b) whether the report has reached Government, if so, what its main findings and conclusions are; and

(c) whether a copy of the report will be laid on the Table of the House?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). The hon. Member's attention is invited to the reply given on 14th August 1951, to Shri S. N. Das's starred question No. 234. The position is still the same as then.

TRANSFER OF CAPITAL BY MUSLIM ARTISTES

66. Shri Kamath: Will the Minister of **Finance** be pleased to state:

(a) whether reports have reached Government that some Muslim artistes of the Indian screen have transferred considerable sums of money to Pakistan in contravention of existing regulations;

(b) if so, the names of such artistes; and

(c) what steps Government have taken to prevent such outflow of India's wealth?

The Minister of Finance (Shri C. D. Deshmukh): (a) No such reports have been received by Government.

(b) Does not arise.

(c) Up to the 27th February 1951, there were no restrictions on the movement of funds between India and Pakistan. With effect from that date, all remittances to Pakistan are subject to exchange control restrictions. Current payments are permitted in accordance with the general directives of the Reserve Bank. Any large sums, which may be sent by the film artistes are likely to be of a capital nature. For the present, such capital transfers are not bieng allowed.

EMBEZZLEMENT BY GOVERNMENT EMPLOYEES

67. Shri S. N. Das: Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of cases in which Government servants were found guilty of misappropriation or embezzlement by Government under various Ministries during 1948-49; 1949-50 and 1950-51;

(b) the total number of cases in which legal actions were taken; and

(c) the number of such of them in which the accused were convicted?

The Minister of Home Affairs (Shri Rajagopalachari): (a) to (c). The required information is being collected and will be laid on the Table of the House in due course.

KIDNAPPING OF CHILDREN IN DELHI

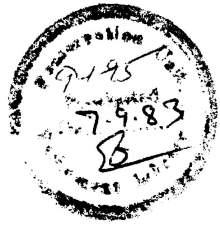
68. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that recently some persons have been convicted in Delhi courts on the charge of kidnapping children; and

(b) what was the *modus operandi* of the criminals involved?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes. 11 persons were convicted between 1st January 1951 and the beginning of August.

(b) The *modus operandi* of the gang was to offer sweet-meats containing *bhang* to children in unfrequented localities, and to induce them to accompany them. They were removed out of Delhi when they lost consciousness and sold to customers. When the children recovered their senses, they were kept confined under threats of punishment, so that they would not divulge their history to anyone.



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(Part II—Proceedings other than Questions and Answers)

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THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

PARLIAMENT OF INDIA

Saturday, 18th August, 1951

The House met at Half Past Eight of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

DISPLACED PERSONS (DEBTS ADJUSTMENT) BILL

The Minister of State for Rehabilitation (Shri A. P. Jain): I beg to move for leave to introduce a Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to make certain provisions for the adjustment and settlement of debts due by displaced persons, for the recovery of certain debts due to them and for matters connected therewith or incidental thereto."

The motion was adopted.

Shri A. P. Jain: I introduce the Bill.

NOTARIES BILL

Mr. Deputy-Speaker: Now we proceed with the further consideration of the following motion moved by Dr. Ambedkar, on the 9th August, 1951:

"That the Bill to regulate the profession of notaries, be taken into consideration."

Pandit Thakur Das Bhargava (Punjab): I was submitting to the House yesterday various reasons why this Bill ought to be referred to a Select Committee. It is a well-known fact that in some courts and big cities.....

The Minister of Law (Dr. Ambedkar): May I make a statement with a view to economise the time of the House? My friend Pandit Thakur Das Bhargava and I believe Dr. Deshmukh want to refer this Bill to a Select Committee. So far as what my friend Pandit Thakur Das Bhargava said yesterday is concerned, I was not inclined to accept his suggestion, because I did not think that he had advanced any grounds of any substance. But in so far as he pleaded that this is rather a strange measure so far as he is concerned and he might like to have more time to address himself to the examination of the provisions here, to understand the motives behind it, and so on. Out of pure compassion, I am prepared to accept his suggestion.

Dr. Deshmukh (Madhya Pradesh): Why not accept the motion for reference to the Select Committee?

Dr. Ambedkar: I want to save the time of the House. I am quite prepared to explain the provisions of the Bill if that would satisfy him and he would withdraw his motion. But I think that would be waste of time, because he will persist. I am prepared to accept the motion for reference to the Select Committee.

Mr. Deputy-Speaker: Whatever the reasons be, the hon. Minister is willing to accept the motion to the Select Committee. So I think not much of debate need go on now.

Pandit Thakur Das Bhargava: So far as this question of compassion is concerned.....

Mr. Deputy-Speaker: No question of compassion.

Pandit Thakur Das Bhargava: Then is it passion? I would only submit that the reasons advanced were so cogent that they moved even Dr. Ambedkar to accept the motion for reference to the Select Committee. I have as much regard for the value of the time of the House as anyone else; but I may point out that in this want of knowledge about this matter, I am not alone. There are many who want to get more knowledge about this subject

Dr. Ambedkar: There is no catch in it.

Pandit Thakur Das Bhargava: There may be no catch; but at the same time, we must be satisfied that as a matter of fact there is need for the measure. I am grateful to Dr. Ambedkar for having accepted this motion of mine, though for reasons which according to him are based on various other considerations. But according to me, it was accepted because the arguments are very convincing.

Dr. Ambedkar: The only request I would make of the hon. Member is to change the date to some day after the 5th of September, because I will be out of station for two or three days.

Pandit Thakur Das Bhargava: Any date suitable to the hon. Minister, I am willing to accept.

Dr. Deshmukh: Sir,.....

Dr. Ambedkar: Why make any speech now?

Mr. Deputy-Speaker: It is a sort of technical subject and it is better it goes to the Select Committee straightaway.

Dr. Deshmukh: But I gave notice of the motion and I will take not more than two minutes.

Mr. Deputy-Speaker: Shall we keep the date as.....

Dr. Ambedkar: I suggest the 7th of September.

Mr. Deputy-Speaker: Amendment moved:

> "That the Bill be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Dr. Punjabrao Shamrao Deshmukh, Shri Deshbandhu Gupta, Shri Gokulbhai Daulatram Bhatt, Pandit Mukut Bihari Lal Bhargava, Shri Prabhu Dayal Himatsingka, Shri Arun Chandra Guha, Shri Rohini Kumar Chaudhuri, Shri Banarsi Prasad Jhunjhunwala, Shri R. K. Sidhva, Shri C. Subramaniam, and the Mover, with instructions to report before the 7th September, 1951."

Dr. Deshmukh is a member of the Select Committee and following the previous rule, he will try to throw light on the Bill in the Select Committee and not speak here. Therefore I put the question straight to the House now.

The question is:

> "That the Bill be referred to a Select Committee consisting of Dr. Bakshi Tek Chand, Dr. Punjabrao Shamrao Deshmukh, Shri Deshbandhu Gupta, Shri Gokulbhai Daulatram Bhatt, Pandit Mukut Bihari Lal Bhargava, Shri Prabhu Dayal Himatsingka, Shri Arun Chandra Guha, Shri Rohini Kumar Chaudhuri, Shri Banarsi Prasad Jhunjhunwala, Shri R. K. Sidhva, Shri C. Subramaniam, and the Mover, with instructions to report before the 7th September, 1951."

The motion was adopted.

EVACUEE INTEREST (SEPARATION) BILL

The Minister of State for Rehabilitation (Shri A. P. Jain): I beg to move:

> "That the Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith, be referred to a Select Committee consisting of Shri Raj Kanwar, Lala Achint Ram, Dr. Bakhshi Tek Chand, Prof. Yashwant Rai, Sardar Ranjit Singh, Shri Jaspat Roy Kapoor, Pandit Thakur Das Bhargava, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Sardar Bhopinder Singh Man, Shri B. L. Sondhi, Shri R. K. Sidhva, Shri M. L. Dwivedi, Dr. Devi Singh, Chaudhri Hyder Husein, and the Mover, with instructions to report by the 1st September, 1951."

I make this motion with an amount of self-satisfaction. The House will remember that during the previous sitting of Parliament, a Resolution was passed under article 249 of the Constitution as adapted by the President under article 392 of the Constitution. The object of that Resolution was to

provide for he separation of the interests of evacuee from those of non-evacuees, in order to enable better management, and disposal of certain evacuee properties. As these properties included land which is in the State List, that Resolution provided that with regard to entries 18 and 30 of the State List, Parliament will have the power to legislate. Those subjects were rights, in or over land, transfer and alienation of agricultural land, money-lending and money-lenders, and relief of agricultural indebtedness. The House is also aware that under the Administration of Evacuee Property Act, any property in which not all the rights, but any right or interest is an evacuee property, can be declared to be evacuee property. That, at any rate, is one of the interpretations of an important provision of the Administration of Evacuee Property Act. In practice, however, we have been taking over the share only of the person declared evacuee. For instance, if there are four co-sharers in a property and only two have gone to Pakistan, it is not the entire property which becomes evacuee property, but only the shares of those who have migrated to Pakistan. Or, if there is a composite property in the sense that there are mortgagor and mortgagee interests, and only one and not both have migrated to Pakistan, then, it is only the interest of the migrant which is declared as evacuee property and not the entire property.

The result of this has been that in a large number of properties, there are interests of evacuees and of others. It has been found that it is neither possible to assess the value of these interests, nor is it possible to administer them exclusively. That causes inconvenience not only to the Custodians who are looking after evacuee property, but also to others, that is, locals who also have interest in the property.

Sometimes, it is represented that we are legislating in order to protect one interest or another. This is a Bill which protects the interests of all. It provides for the exclusive and better administration of evacuee property. It also provides that wherever the interests of locals are concerned, those interests will be separated and they will be in a position to look after those interests themselves. In a very large number of cases, those interests belong to our Muslim citizens and I believe that much of the trouble that is occuring today on account of these composite properties will be removed and those who own interest in composite properties will be able to look after such interests exclusively. Therefore, this is a Bill of a non-controversial nature which benefits not only the trustees of evacuee properties, but also locals and in particular Muslims.

While introducing that Resolution under article 249 of the Constitution, I explained the reasons why we wanted that power. I need not tread over those grounds again. But, I would like to refer to some of the salient features of the Bill. In Chapter I, sub-clause (2) of clause 1 is important. It lays down the area of the operation of the Bill. That area is coterminous with the area over which the Administration of Evacuee Property Act is applicable. That is, the States of Assam, West Bengal, Tripura, Manipur and Jammu and Kashmir have been excluded from the operation of the Bill for the reason that the Administration of Evacuee Property Act does not apply to those places.

Chapter II is the most important part of the Bill. Clause 4 of chapter II provides for the appointment of competent officers. These competent officers will be either persons with judicial experience or pleaders of at least seven years standing. This precaution has been provided because the type of work which these competent officers will be required to do will be of a judicial nature. Persons who have had previous judicial experience or experience of law courts will be in a position to do that work in a proper manner. It will be observed that we are creating a special machinery for performing the functions under this Act. In my previous speech when I introduced the Resolution, I gave reasons for that, although they were not germane to the Resolution. If we leave this work to the ordinary civil courts, it will take years and years. There will be first appeals, second appeals, objections, cross objections and what not. It is necessary that we should separate these interests as quickly as possible, with the least possible worry, and with the least possible expense either to the Custodians or to the holders of non-evacuee interests. It will be seen later on that under clause 15, we have provided for one appeal to the Custodian General. I believe that the appointment of competent officers and the cutting down of the number of appeals will lead to the expeditious separation of the two interests which I think is a very important matter both for the Custodian as also for the locals.

Clause 6 is another important clause which provides that the competent officers will give notice to the claimants. Clause 7 provides that claimant

[Shri A. P. Jain]

will have the right to file his claim within 60 days and in cases where he has been unable to do so for sufficient reasons, the competent officer will have the right to extend the period. Sub-clause (2) of clause 7 lays down the details that the claimant will have to give in his statement. I need not cover all those details. But, it is important to note that the claimant will have to mention whether he holds the interests as a co-sharer of the evacuee in the property or as a mortgagee of the interest of the evacuee in the property or as a mortgagor having mortgaged the property or any interest therein in favour of an evacuee. Certain other details will have also to be given which are mentioned in the clause. The competent officer will then proceed with the enquiry. The enquiry will be of a summary nature. The competent officers will have the power to decide all disputes as to whether the liability is a mortgage debt or not or whether the claim submitted under clause 7 exists. The competent officers will accept the existing decrees as conclusive; but, if any of the existing decrees have been passed *ex parte*, then, he will have the power to re-open it. The reason is obvious. The *ex parte* decree would have been passed in the absence of the mortgagor or mortgagee who have migrated to Pakistan. No very great sanctity can be attached to a decree of that kind. This clause also provides that any interest which has been determined as evacuee interest by a Custodian will be binding upon the competent officer.

10 A.M.

Clause 9 provides that the competent officer will first determine the money value of the property and then he will determine the money value of the respective interests of the evacuee and non-evacuee as also the share of the property representing the evacuee and non-evacuee interests. This clause has a close relation to clause 12 under which decision will have to be taken.

Clause 10 provides certain kinds of relief to the evacuees. It provides that no rate of interest exceeding six per cent. per annum will be permissible. Interest for any period after the 15th August, 1947 will not be permissible and any amount on account of interest greater than the original sum or principal will not be allowed. That is, the principle of *Damdupat* will be applicable. Any sum in respect of the principal and interest, together with any amount already paid being included in respect of the debt, which exceeds twice the principal will not be permissible. These are reliefs which are being given to the holders of evacuee interest.

I need to offer a word of explanation. The House knows that the Muslim migrants who have left India have done so under rather difficult circumstances. For instance documents such as receipts for payments and other things may not be forthcoming in most of the cases. The Custodian will not be in a position to find out what payments have been made. Moreover, the evacuee property ever since it came under the Custodian could not be looked after as well as it should have been or at any rate, as the owner of the property personally would have done. It was not possible for us to provide for any correct or meticulous determination in all the cases and therefore we have adopted what might roughly be called an *ad hoc* system of giving certain reliefs to the evacuees, for the reason that no detailed accounts of payments and other things which the evacuee may have made will be forthcoming and that the property has deteriorated on account of reasons beyond the control of the evacuee.

Clause 12 provides in a way the crux of the whole Bill. It provides for the separation of the interest of the evacuees from those of the claimants in the composite property. That can be done in one of the six ways laid down there. The Custodian may pay to the claimant the amount of money assessed in respect of his share in the composite property or deposit the same in a civil court having jurisdiction over such property and take possession of the property free from all liabilities. The competent officer may transfer the property to the claimant on payment by him of the amount assessed in respect of the share of the evacuee in the property. That is giving the property to the claimant and receiving an amount equivalent to the value of the evacuee share. He can sell the property and distribute the sale proceeds thereof in proportion to the share of the evacuee and the claimant. He may partition the property according to the shares of the evacuee and the claimant and take possession of the share allotted to the evacuee. In the case of mortgage he can redeem it. In the case of a mortgagor he may accept money in full satisfaction of the debt. The competent officer may combine one or more of the processes.

Clause 13 provides that after separation has been done the property will vest with the Custodian free from encumberances.

Clause 14 provides that the rights of the third parties will not be affected.

Chapter III is a procedural one. I have already referred to the provision about appeals.

Another important clause is 18, which gives the powers of a civil court to the competent officer for summoning and enforcing the attendance of any person and examining him on oath, requiring the discovery and production of documents, issuing commissions for the examination of witnesses and any other matter which may be prescribed.

In Chapter IV under the heading of 'Miscellaneous' clause 21 is a very important one, because it bars the jurisdiction of the civil courts in matters which the competent authority shall have the power to decide. It also provides that all suits and proceedings in so far as they relate to such claims pending before any civil court or revenue court and any attachment, charge, lien, injunction or order for the appointment of a receiver shall become void.

These are the main provisions of this Bill. We have given full care and attention to the various interests involved and the Select Committee, which I believe is composed of all the representatives of the different interests, will have an opportunity to scrutinise the provisions in detail. I need not take up the time of the House any more and I commend my motion for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith, be referred to a Select Committee consisting of Shri Raj Kanwar, Lala Achint Ram, Dr. Bakhshi Tek Chand, Prof. Yashwant Rai, Sardar Ranjit Singh, Shri Jaspat Roy Kapoor, Pandit Thakur Das Bhargava, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Sardar Bhopinder Singh Man, Shri B. L. Sondhi, Shri R. K. Sidhva, Shri M. L. Dwivedi, Dr. Devi Singh, Chaudhuri Hyder Husein, and the Mover, with instructions to report by the 1st September, 1951."

Several Hon. Members *rose—*

Mr. Deputy-Speaker: I am not allowing any hon. Member whose name is on the list of members of the Select Committee to speak.

Shri R. K. Chaudhuri (Assam): In this particular Bill the Select Committee consists of persons who could have given the House some valuable information on the Bill. I would request that as a special case the members of the Select Committee may also be allowed to speak.

Shri Sidhva (Madhya Pradesh): They should not be allowed and that would be better.

Mr. Deputy-Speaker: The hon. Member is outside the Select Committee and that is enough for the House.

Shri R. K. Chaudhuri: I am pleading as a special case as has been done with regard to some other legislations.

Mr. Deputy-Speaker: The hon. Minister has already explained the provisions of the Bill in *extenso*.

Shri R. K. Chaudhuri: It is practically gagging them.

Shri Sidhva: No, no.

Shri C. C. Shah (Saurashtra): I support this Bill, but I wish to point out that it is incomplete in certain respects. The Bill is intended for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested. If we turn to the definitions of 'claim' and 'composite property' in clause 2, we find that it is principally confined to immovable property. There too if we read the whole Bill, it would appear to be concerned mainly with agricultural land rather than any other property, as I shall presently point out. The definition of "claim" refers to three kinds of claims, namely where the evacuee is a co-sharer in the property, or is a mortgagee or a mortgagor. The latter two obviously refer to immovable property while the first case of co-sharer in any property may refer also to property other than immovable.

The definition leaves out several other interests. Take for instance, the case where an evacuee is a partner with an Indian. A partner is hardly a co-sharer in any property with an evacuee. I know of several instances in Bombay where Indians are partners with Muslims and the right, title and interest of the Muslims have been declared evacuee property. The result has been that the Custodian desires to take charge of the right, title and interest of the Muslim partner, but it is very difficult in a partnership to take such possession. The Indian partner has offered to the Custodian to pay a fair price for the right, title and interest of the evacuee but the Custodian has said that he is unable

[Shri C. C. Shah]

to accept such fair price because the law does not provide for it. Sometimes such partnerships also hold as assets immovable properties and in all cases such assets include very valuable tenancy rights which also are construed as immovable property. Under the present definition of "claim", these cases will not be covered and genuine hardship will be caused to Indians who were partners with Muslims because the Custodian instead of doing what clause 12 now contemplates to do insists upon allotting the right, title and interest of the evacuee partner to some refugee and to introduce compulsorily a partner with the Indian partner. You can well understand that partnership is a matter of choice and will, and to introduce compulsorily a refugee as a partner with an Indian may result in great hardship. I therefore submit that the definition of "claim" and "composite property" may be made wide enough to cover this kind of cases.

I will give you another instance. I know of Muslims who have agreed to sell their properties to Indians before they migrated to Pakistan or before they were declared evacuees, and considerable amounts have been paid as earnest money. After the agreement to sell was made but before the sale could be completed, the Muslim was declared an evacuee and the Custodian took charge of the evacuee property. The Indian who had agreed to purchase the property is prepared to pay to the Custodian the balance of the purchase price and to complete the sale but the Custodian declines to do so saying he has no power to do so. Under section 55 of the Transfer of Property Act a purchaser who has paid earnest money has a charge on the property to the extent of the earnest money paid. But the Custodian declines to recognise such a charge. I am speaking from my experience in Bombay. As I see the Bill I find it is mainly modelled on the experience in rural areas, particularly of agricultural land. I know of several instances in Bombay where such transactions have been outstanding for four or five years and the Custodian has been unable to do anything and large sums of money paid by Indians have been locked up as they are unable to complete the sale even though they are prepared to pay the balance of the price; nor are they able to get back the earnest money which they are prepared to take without interest.

I will cite a third instance. There are cases in urban areas of pledges of movable properties by Muslim evacuees. They will not be covered by any of the definitions. A pledgee is neither a co-sharer nor a mortgagor nor a mortgagee.

I have given only a few instances. I submit that the definition of "claim" and also of "composite property" should be made wide enough to cover every case in which an evacuee has an interest in non-evacuee property and a non-evacuee has an interest in evacuee property. For five years the administration of the Evacuee Property Act has gone on in a manner which has entailed considerable hardship on Indians. I know it is not the object of the Evacuee Property Act, but the result has been that it has, as a matter of fact, entailed hardship to Indians. Therefore, I submit that while we are considering an Act which will now once and for all separate such interests, it is better that we provide for every case of that nature in order that such interest may be separated.

I now come to clause 8 of the Bill. It provides for a summary enquiry into the claims submitted under clause 7 and says that the competent officer—I hope he will really be competent—may hold a summary enquiry into such claims and after taking such evidence and examining such documents as he may consider necessary, pass such order in relation to the claim as he thinks fit. The words used are very wide and he can pass any order he likes. Clause 8 gives no indication of the kind of order which the "competent officer" is expected to pass.

Then if you turn to clause 9 it says:

> "The competent officer shall, after making an inquiry under section 8, make such further inquiry and take such further evidence and examine such other documents as he may consider necessary and shall pass an order determining the evacuee interest..."

I do not know what kind of order the competent officer is expected to pass under clause 8 when clause 9 provides for the final order to be passed separating the evacuee interest from the non-evacuee interest. The wording of clause 8 is so wide that under clause 8, after a very summary inquiry, the competent officer can even reject the claim and say there is no claim. I don't think that is the intention of the Bill. Therefore, it is necessary either to specify expressly what kind of order is expected to be passed after the summary inquiry, or it is necessary to reconcile the provisions of clauses 8 and 9.

Then I come to clauses 10 and 11. I carefully listened to the explanation given by the hon. Minister for introducing these clauses. I must confess I am not satisfied with that explanation. Clause 10 is a very drastic clause, if I may say so. This measure is not intended to be, what one might call, an agricultural debt settlement Act. But it says that no interest shall be paid at a rate exceeding six per cent. per annum simple; also, that no interest shall be paid for any period after 15th August, 1947. I submit that that is most extraordinary. I can cite several instances from Bombay where a Muslim has mortgaged his property to an Indian; property worth five lakhs is mortgaged for a lakh. In such a case the property is more than enough to pay the principal and the interest. It is not that every evacuee has migrated to Pakistan; it is also not a fact that every evacuee was declared an evacuee immediately after 15th August, 1947. Take, for instance, an evacuee who has been declared an evacuee in 1951; until 1951 the man was in possession and enjoyment of the property and receiving its income. Is there any reason why the mortgagor who is an Indian should be deprived of the interest from the Muslim evacuee who was in enjoyment and possession of his property? The Custodian is in possession and enjoyment receiving income after the Muslim is declared an evacuee. I submit there is no justification for this clause. In Bombay in particular large mortgages of lakhs take place. As I said, the whole Bill is intended for separating evacuee and non-evacuee interests and not for an agricultural debt settlement. The opening of accounts under this clause is a most extraordinary thing.

Now as regards parts (c) and (d) of sub-clause 1 of clause 10 the rule of *Damdupat* in the first instance does not apply to mortgages at all even under the Hindu Law, and, secondly, the rule of *Damdupat* does not mean that interest should not be paid more than the principal. It only means that interest should not be allowed to accumulate to an amount more than the principal at one time.

If the mortgagor, for example, has regularly paid interest, it is possible that the amount of interest may exceed the principal. *Damdupat* does not apply to such cases but the Act reopens even such accounts. There is no time-limit fixed. Even in the Agriculturists Debt Relief Act a period is fixed. This Act seeks to open even twenty year old accounts. You can not only re-open them but probably ask for something from the Indian mortgagee. I submit that no attention has been paid to the extraordinary consequences that follow from the drastic provisions of clauses 10 and 11. This provision is particularly drastic in urban areas where mortgages of large amounts take place and the immovable properties concerned are worth several lakhs. They fully cover both the principal and the interest and there is no reason for giving relief in this way in such cases. The only reason given in the Statement of Objects and Reasons is that the evacuees have been unable to redeem their property on account of causes beyond their control. I have pointed out that the man may be in India until 1951. He may be declared an evacuee only today. He has been enjoying the income and the interest and yet he has not to pay any interest after 15th August, 1947. As I have said, he may not have gone to Pakistan at all. In Bombay, I know of several rich Muslim evacuees who have not migrated to Pakistan; who were until recently in enjoyment of their property. And yet they are not to pay any interest after 15th August, 1947. I submit that the object of the evacuee law is not to cause loss to Indians.

Then I may refer to clause 12. It is a very wide and a very wholesome clause. I am very glad that all kinds of remedies have been provided for the separation of evacuee and non-evacuee interests and for adoption and combination of all such methods. But I wish to point out that in assessing evacuee interests, care must be taken to see that no anxiety is shown so to say to do anything at the cost of Indians who happen to have their interests in one way or another mixed with those of evacuees. There are other provisions to which I could have made reference, but these are the most important ones to which I wished to draw the attention of the Select Committee and I hope they will consider them carefully.

Shri Hathi (Saurashtra): I rise to support the Bill. The object of the Bill is a most laudable one, but as the previous speaker has pointed out, various difficulties are likely to arise from this piece of legislation which the members of the Select Committee will have to consider very carefully. I would not refer to those provisions to which reference has already been made, but I shall refer to only those clauses which have not been referred to, namely, clauses 4, 8 and 15. It is really gratifying to note that a provision has been made for the appointment of a competent officer and it has been laid down that the competent officer shall be a Deputy Custodian who has held a judicial office or has

[Shri Hathi]

been an advocate or a pleader for at least seven years. This is really a happy provision. But if we read sub-clause (2) of clause 15, the appellate jurisdiction is to be exercised by the Custodian General, but—

> "The Custodian General to whom an appeal is preferred under sub-section (1) may dispose of it himself or make it over for disposal to such appellate officer as may be specified in this behalf by the Central Government."

So far as the appellate officer is concerned, no statutory provision has been made in regard to the qualifications. I am sure that the Central Government will make provisions laying down the judicial experience of the persons who are to be appointed. But it is my experience that the Custodians are not always judicial officers and when the cases come before them they do not enter into the merits of the case. For instance, a case for confirmation of a transaction of immovable property comes before the Custodian. Without seeing whether the transaction is *bona fide* or not, whether the purchase price is adequate or not, he simply passes a two-line order. I can read from documentary evidence. He simply says that because the transaction is completed after such and such a date, he does not hold that the transaction is *bona-fide*. So, I want to impress upon the hon. Minister and the Select Committee that statutory provision should be made whereby the appellate officer should be a person with sufficient judicial experience. We know that the object of the evacuee property law is laudable. We want to help the evacuees. We want to save their property. We want to see that their interests do not suffer. But unfortunately, as the law is being administered at present, that is to say, by officers who are not judicial, who are only semi-judicial, people do not get justice to their full satisfaction. While the interests of evacuees are safeguarded, indirectly the interests of Indians suffer. We need not be over-enthusiastic about safeguarding the interests of Muslims who have migrated. I do not mean by this that we should disregard their interests. We should take every possible care to see that their interests are safeguarded; at the same time, it is our duty to see that Indians here do not unnecessarily suffer. A displaced Hindu from Pakistan comes to India, leaving Rs. 2 lakhs worth of property there. He exchanges his property with a Muslim here who has not still migrated. After a few months, the person goes away to Pakistan. The exchanged property of the displaced Hindu is allowed to be sold. The sale is registered by the Custodian there, but here it is being refused because it would mean that the evacuee pool will suffer. In such circumstances, while we should be careful to see that the property of the evacuee Muslim does not suffer, we should also be equally careful to see that the displaced Hindus who have come over here and who have exchanged their property in Pakistan do not suffer. I therefore submit that the Select Committee should look into the whole aspect, so that we may not make provisions which unnecessarily entail hardships on Indian nationals who have either migrated from Pakistan to India or who have been here from the beginning.

Shri R. K. Chaudhuri: Since persons who are in possession of better knowledge of facts will not be allowed to speak, I would like to say something according to the best knowledge which I may have.

My curiosity was aroused by that clause in the Bill which says that this measure would not apply to Assam. When I saw that I thought that there must be something very good in this Bill; otherwise it would have been made applicable to Assam. But after having read it I found that there was really something very good in this Bill of which Assam has been deprived. There is, for instance, the salutary provision that even if a decree has been passed long long years ago, that decree can be made practically anullity by the provisions of this Bill. Then, again, whereas under ordinary circumstances the rate of interest even for a mortgage is more than six per cent. so far as the mortgage deed of these evacuees are concerned, it will not exceed six per cent. I would like to ask one question: supposing before Partition certain property was mortgaged to some persons at the rate of nine per cent. and the mortgagee has become impoverished owing to various circumstances and depends on the interest which he would get by this mortgage? The claims officer, will without assigning any reason reduce the interest from nine per cent. to six per cent. I would ask, what justification there is for the Government to deprive these mortgagees of the interest in respect of transactions which had taken place long before Partition? What right have you to reduce the interest which they are expecting and on which they have framed their domestic budgets?

Then again, after the 15th of August, 1947 no interest will accrue. I submit that so long as the property is there

and so long as the property can fetch its value, no legislation should step in to prevent the debt from being realised on the ground that on the 15th August, 1947 certain events took place for which the mortgagee was not in the least responsible. Why should he be deprived of his legitimate interest?

So, I say that this is something very good. I would only wish that these provisions were made applicable in every case, that is to say, in no case the rate of interest should be more than six per cent.

Another matter which was pointed out by the previous speakers is this. The evacuee has taken the money and registration of the document has also taken place. But the purchaser is not allowed to take possession of the property. He is entirely deprived of his money as well as the land. He cannot get possession of the land; he cannot get back his purchase money. I submit that provision should have been made in this Bill to recognise all charges. In my opinion, when a property has been purchased by paying its proper value and when the transfer is under the provisions of the Transfer of Property Act, in such cases a charge has been created on the property, even though the mortgagee will not be recognised under the new laws which have been framed. If the mortgagee cannot be recognised this should be treated as a charge on the property. Those persons who had paid their consideration money and had actually purchased the property should have also some claim and that claim should be recognised and some compensation should be paid to them. They may also be treated as persons who have separate interest from the evacuees. The benefit of this law should be made also available to those classes of persons.

We have had a plethora of laws on evacuees and refugees. But this law has not enabled a single refugee to get a single pie as compensation from Pakistan. Now the refugees have practically given up all hopes. Perhaps, the practice of East Pakistan may not be quite relevant, but it may be pointed out that the Government of East Pakistan has recognised that certain properties has been taken over by it. In the case of a property they took, the value was assessed at Rs. 1,22,000 annually. But they have not paid anything and it is difficult to recover it from the evacuee properties which has been left in India. We cannot imagine that any appreciable extent of compensation would be realizable from evacuee property which has been left behind.

On the other hand we find evacuee properties being released in this City of Delhi. I have in mind the case of Chattriwala and Japanwala. The matter was pending in the High Court—it was *sub judice*. In the lower court the evacuees did not get any relief and they filed an appeal to the High Court. But the Government intervened and released those properties. When the Government is following that course of releasing properties, even though legal and judicial opinion was against it, what faith can the people have in the *bona fides* of the Government. I certainly think that the hon. Minister will have a reasonable explanation to offer; but in spite of so much of comment in the press no explanation was forthcoming.

Shri A. P. Jain: We have issued a communique—I hope you have seen it.

Shri R. K. Chaudhuri: At any rate I have not. Anyway there is no harm in his making a public statement in the course of his reply. This is in the mouth of everybody and it is high time that the hon. Minister should make a statement in this House and clear the position.

But I would ask the hon. Minister as well as the Government not to come forward with such infructuous legislation. It does not help us in any way. We had a lot of legislation and passed many laws on the subject. But up till today the fact remains that no compensation has been received by any of the refugees in respect of any property which they had left behind in their own country. This is now the fourth year of these things having taken place. Unless the hon. Minister can convince us that something is going to be done in the matter of payment of compensation to the refugees it is useless to bring such legislation. I would rather suggest that all these laws which we have passed and which we are going to pass may be entirely burnt down. Let us accept the position, which is the inevitable position, that we will realise nothing from Pakistan and that we will not be able to realise anything from the property of the evacuee. For, the evacuees can come back, and we do not see any reason why they should not come back, considering the peaceful and happy way in which the Muslims, thanks to our policy, can live here. Why should they not come back? They will certainly come back. So the talk of getting anything out of those properties is entirely hopeless. I should say that instead of bringing this legislation, let us make up our mind to do so something on the lines suggested by my hon. friend Sardar Hukam Singh some time ago.

[Shri R. K. Chaudhuri]

Let us pay them whatever we can. Let the Indians here who have got the independence, who have enjoyed the independence at the cost of the refugees to some extent pay something, pay a tax and give a certain proportion of the compensation to the refugees so that the refugees may know where they stand and can earn their own living.

It is useless to keep a man in hope. It is useless to keep the supporters of the Hindu Code in hope that this Bill will be passed in this session. This Bill will not be passed in this session. The House knows it. The Hindu Code will not be passed; also, the compensation will not be paid to the refugees. It is therefore useless to keep a man in hope. The hon. Minister knows very well that "deferred hope maketh the heart sick". Why should we make these unfortunate people sick of heart since you know practically that you are not going to get anything from Pakistan to pay compensation to these unfortunate people, since you know that you cannot get much out of the evacuee property to pay anything reasonable to them by way of compensation. It is better to make up our mind and decide to pay them compensation according to our abilities and not to depend on the Evacuee Property Bill.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I would like to move an amendment to the list of names for the Select Committee. I beg to move:

> "That the name of Shri C. C. Shah be added to the Select Committee."

Mr. Deputy-Speaker: Amendment moved:

> "That the name of Shri C. C. Shah be added to the Select Committee."

I have already placed the original motion before the House. Discussion might now go on. Ultimately I will put the amendment and the original motion to the vote of the House.

Shri Naziruddin Ahmad (West Bengal): It has been almost a custom in introducing a Bill to characterise it as a 'simple Bill'. Later on the simple Bill would appear to be extremely complicated and absolutely unworkable. In this case the Minister has lighted upon a new introduction that it is with some amount of 'self-satisfaction' that he has brought the Bill. I think this is an improvement upon the past. But I will try to show that the self-satisfaction which the hon. Minister is afflicted with is really no cause for satisfaction.

I will deal not with the evacuees but rather with those persons who have been left behind in India, namely, the Indian citizens, and I shall try to show that the Bill has not done justice to the co-sharers who are left behind. The co-sharer whose interest is supposed to be safeguarded by the present Bill will be at a great disadvantage. The first difficulty would be that no notice is required to be given to him when a proceeding vitally affecting him is pending.

Shri A. P. Jain: See clause 6—Notice.

Shri Naziruddin Ahmad: I am going to read clause 6. In clause 6 it is said:

> "(a) a notice on every person who, in the opinion of the competent officer, may have claim in such property, or
>
> (b) a general notice..."

Notice may be given to individual co-sharers specifically and personally, but it may be dispensed with and general notice alone must be given. We know what a general notice means. A notice is supposed to be hung up outside the office. Sometimes it is only supposed to be done. This is taken as a general notice. Sometimes it is advertised in newspaper, which newspaper is practically a defunct newspaper without much circulation, and the notice is not received by all. So the first difficulty of a co-sharer who has the unfortunate position of being left behind and being a co-sharer of an evacuee is that he does not get notice on a matter which will affect him vitally.

Then the all-important officer under this Bill has been given a very high-sounding designation, *viz.* that he is a 'competent officer'. Does it imply that this officer is the only competent officer under the Government of India or under the States and that others are not competent? As a matter of fact the designation of the officer should have been described in a humbler way. He decides claims matters. Therefore he can be described as a Claims Officer or an Assessment Officer or something of that sort. The expression 'competent officer' is extremely misleading and out of proportion to the importance of the subject. But in view of the drastic powers

which have been given to him, the expression 'competent officer' may perhaps from that point of view be ironically justified. For, under clause 3 of the Bill he is to over-ride all other laws. The clause says: "Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law". So this Bill brushes aside all other laws. Powers are given to the 'competent officer' to overlook all laws.

Then again, there is another clause which gives him more drastic powers, namely that he can—and he must—disregard all decisions of courts, civil courts of original jurisdiction or appellate jurisdiction, or of the High Courts or even of the Supreme Court on questions of share, and the questions of title decided by the Civil Court in favour of the co-sharer who is left behind would be ignored. As I shall show, the wording is extremely unhappy. In clause 8, in the first proviso it is said: "Provided that a decree of a civil court passed after contest relating to any claim shall be conclusive evidence as to the *existence* of the claim." It is not conclusive as to the extent of the claim or the share. If the High Court or even the Supreme Court has decided that the claimant is entitled to eight annas as his share, the Claims Officer or rather the 'competent officer' will be entitled to say: "No. I disregard the decision of the High Court or the Supreme Court. I say he is entitled to only four annas." So the judgment of the Civil Court will be binding only as to the mere existence of the claim or that he has a claim but not that he has a claim to the declared extent. In these circumstances the expression 'competent officer' bears an ironical aspect that he is competent enough to disregard everything decided by the lowest judiciary to the highest.

There are other difficulties in connection with this Bill, namely that the share of the claimant will be decided by the 'competent officer' in a summary fashion. As has already been pointed out by one hon. Member they usually do not look into the merits and that is why it was suggested that it is not enough that the officer should have some judicial experience or should be a lawyer of 7 years experience but should follow some recognised judicial procedure. I know from my own experience that persons who hold these semi-judicial offices have a disposition not to look at the merits. There is a disposition to deal with the matter in a strangely summary manner, i.e., without hearing arguments and without taking any evidence or examining any witnesses. So this officer is entitled to set aside the decisions of the highest judiciary on matters such as deciding questions of title and shares and he may decide it in a summary fashion. He may really concede that he has a right but not more. Can anything be more unsatisfactory than this? I submit that this officer has powers of a most drastic character and he can if he likes create a lot of hardships by summary orders. Then there is a provision for an appeal to an officer under this Act, the Custodian General or his nominee. We do not know what kind of nominee we will have but the Custodian General would be too high an officer and would not be easily accessible. His nominee will be worse. His decision would be more summary and we know from experience that officers who preside over semi-judicial functions are extremely summary and they say: "The matter has been decided by a 'competent officer'. What have you got to say? I am disposed to agree with him." This is the kind of remedy which the appellate officer is likely to give. I submit that the matter is of great importance. You cannot deal with shares and rights of parties who happen to live in India in this fashion, and merely because they are co-sharers of an evacuee. There is no reason why they should be treated in this unjust fashion. What is the effect of deciding the share and the evaluation of the co-sharers? I submit it is nothing short of acquiring his property. In fact the 'competent officer' has to determine shares and rights and has to value the same, and then to take them at the price so determined. This is land acquisition pure and simple without paying adequate compensation and without the necessary safeguards of acquisition and without any judicial officer really inquiring into it in a proper judicial manner. Under the Land Acquisition Act the land is taken by Government. I have no objection to the property being taken by the competent officer on behalf of the Custodian General but I do object to the summary manner by which valuation is to be reached. In fact valuation is very important, in view of the fact that power is given to the officer to take away the property on that valuation. On the other hand the co-sharer has not been given the power to buy the share of the evacuee and at the stated price. In these circumstances, he is at a great disadvantage.

I do not wish to delay the acquisition of the evacuee's property along with the shares of the co-sharers by the 'competent officer'. I agree that it

[Shri Naziruddin Ahmad]

is a very important matter and things must be quickened and the decision should not be delayed. Government should be in possession of the property as in the Land Acquisition Act and the question of price or compensation may wait. First of all the Land Acquisition Collector determines the valuation and then the valuation is taken before a District Judge for final valuation. He hears the parties and assesses the general valuation and also between the co-sharers he assesses their shares and payment is made to the parties accordingly. What I do require is that a co-sharer should be given similar rights. First of all the Bill does not require that any notice should be given, the decision would be summary and the decisions of the highest judiciary would be set at naught. The 'competent officer' will make his own valuation and he will have the right to acquire the property and then there is no effective or satisfactory right of appeal. It is not enough that you appoint a man with judicial experience. It is absolutely necessary that he should follow regular judicial procedure. I therefore suggest that the Land Acquisition Act should be followed here and the District Judge should be asked to take evidence in an open court and then decide the price and the shares leaving aside the question of acquisition. I do not complain if Government acquire the evacuee property. The properties may go to the Government to be dealt with in any manner that they like, but the question of evaluation which affects the co-sharer is going to be ignored and in the desire to do some benefit to the co-sharer great mischief may be done to the non-evacuees. You may want to benefit them, but as a matter of fact the Act will work to their great prejudice.

It has been pointed out that the question of mortgage is an important consideration. An evacuee may have executed a mortgage after the deadline date. Then what becomes of the mortgagee? He has paid the money and he is entitled to get back the money. Is it that any mortgage after that date is to be simply ignored? That will be sheer injustice. What about other claims where small creditors, shopkeepers and friends have lent money or goods on credit as is the practice not only in the villages but also in towns. The evacuee has left without discharging those debts and what happens to those creditors and persons who have advanced money? They are also to be ignored.

There is another kind of mortgage called equitable mortgage. It is the creation of mortgage by depositing title deeds. It is prevalent in the presidency towns of Calcutta, Bombay and Madras. It has since been extended to other towns. In these towns it is usual for a person to deposit his title deeds with the mortgagee and he lends the money. This is provided on the English principle as a matter of convenience and the exigencies of business require that a man should be able to raise a loan very quickly to pay off a pressing claim. Now these equitable mortgages are going to be ignored. I therefore submit that this is going to benefit nobody except perhaps the sentiments of the 'competent officer' who instead of having a feeling of a 'competent officer' is an officer with drastic powers who can do any amount of injustice without any effective or proper right of appeal. These are matters which I submit require careful consideration in the hands of the Select Committee.

11 A.M.

Then, as I have already submitted, there is no provision in the Bill as regards unsecured debts. People with this kind of dues should not be deprived of their dues. Though this Bill has apparently caused some self-satisfaction, I am afraid this self-satisfaction would not be universal in this House. A Bill was introduced this morning by the same hon. Minister regarding the properties of evacuees. I do not know whether this present Bill has any bearing on that Bill.

So far as the settlement of mortgage debt is concerned, I agree that the debt should be scaled down. It is not as if this kind of debt is common only in the rural parts. You have it in the cities and rural areas of Madras, Bombay and Calcutta also and in these places they have their Moneylenders' Act, and there are provisions to scale down the debts to certain economic rates. This also is a matter which requires careful consideration on the part of the Select Committee.

And then, I would suggest that instead of the name "competent officer" we may have the name "claims officer" as that appears more in consonance with good sense.

With these words, I commend the points that I have raised, to the careful consideration of the Select Committee.

Shri A. C. Guha (West Bengal): I support this attempt of the Government to introduce a Bill for separating the interests of the evacuee from those of non-evacuees and thereby to find out some way of solving the almost insoluble problem of the evacuee pro-

perties. I am, however, doubtful whether the Bill in its present form will serve the purpose that we have in view. The refugees are now almost homeless, shelterless wandering folk, all for no fault of theirs. They have to take this vicarious suffering as the price of the independence that we enjoyed. So they deserve every sympathy of this House and the Government. I would like that Government should come forward with definite proposals to compensate the refugees in a proper and effective manner. The measure before us, I am afraid, will not meet the exigencies of the situation. The Government must have been feeling that this evacuee property problem is almost a baffling and desperate one; and to meet such a situation it is not fit for the Government to come out with a desperate piece of legislation. Sir, I would like to remind the House of a similar piece of legislation which was passed just a little less than two years ago by this House for evicting undesirable emigrants from Assam. Since then, that piece of legislation has created the worst havoc in the eastern parts of India and that legislation has been a dead-letter since then. I would like to sound a note of warning here also, so that this Bill may not be another desperate attempt at solving a really difficult problem.

First of all I must say that statutory omission of West Bengal, Tripura, Manipur and Assam from the provisions of this Bill should not have been there. I know that the Evacuee Property Acts do not operate in those parts. I know that the concomitant Act of Pakistan does not operate in East Bengal. But I think the Government should by now have realised that this keeping out a considerable portion of India from the operation of the Evacuee Property Act or to deal with them in a separate way, has now to be given up. I think Government must by now have come to realise that the position in the eastern side of India is as bad as it is on the western side. Even now quite a large number of refugees are coming over daily from the other side. The figures published by the Government show the daily excess of the number coming into West Bengal and.....

Shri Syamnandan Sahaya (Bihar): This Bill probably relates to evacuees going from India and not to refugees coming into India. The hon. Member is speaking of refugees coming into India.

Shri A. C. Guha: Both are interconnected. The Pakistan laws also do not apply to East Bengal. In these matters Governments have all along been proceeding on a mutual understanding with Pakistan. I do not know whether there has been some mutual understanding with Pakistan as regards this Bill also. The hon. Minister may kindly clarify that point.

What I was saying is this. Government was all along expecting that there would be a stoppage of the refugees coming in. After the Delhi Pact of April, 1950, Government expected that the Bengal refugees would go back to East Bengal and also that Muslims who had left West Bengal would also come back and there would be no evacuee property problem. But since then I think Government must have realised that that expectation of theirs would not be fulfilled, at least not in the near future, unless there is a radical change in the relations between the two States. And therefore, I feel that these States should not have been statutorily omitted from this Bill. They could have had some provision to the effect that this measure would by notification be extended to such other areas as may be found necessary.

Then, as regards the other provisions of the Bill, I feel that some of them are a bit too hard on the co-sharers of evacuees. In our sympathy for the refugees we should not forget that the State has as much obligation to safeguard the interests of the co-sharers of the evacuees who are citizens of the State as it has to safeguard the interests of the refugees. This House should not pass any legislation which would discriminate between citizen and citizen. It is not fault of theirs that they belong to a particular religion or community or have relatives who have decided to leave the territory of India.

As regards clause 6, I agree with my predecessor that the provision of giving notice to the non-evacuee should have been more effective. Parts (a) and (b) should be connected not by an 'or' but by 'and'. The individual notice and in addition to that a general notice should be given. The general notice should be widely circulated and published in papers having a wide circulation.

Clause 8 relates to summary enquires into claims by the 'competent officer'. I do not like this method of a summary enquiry into the property of a citizen of our State. I can understand that enquiries should be prompt and should not have to conform to all the formalities of the Evidence Act, etc. But it should be a proper enquiry and summary enquiry is not a happy expression.

[Shri A. C. Guha]

The two provisos to sub-clause (2) of clause 8 will add to complications. There also the Government should see that the position is clarified.

Clause 10 relates to mortgaged properties and certain disabilities have been imposed on these. Under part (b) of sub-clause (1) no interest for any period after the 15th August, 1947 will be required to be paid. I do not know the purpose of this. I can understand that the interest should be controlled and regulated. It should not be more than six per cent. or when the interest has gone beyond the principal amount no further interest should be paid—all these I can appreciate. Why no interest should be paid after the 15th August, 1947 I am unable to understand. I do not know whether this House would be competent to make such a legislation. It and some other provisions might go against article 14 of the Constitution providing equality before law and some of the provisions of the directive principles, where we have said that we should try to have a uniform civil code. Here you are creating discriminatory provisions among citizens with regard to the civil code and property rights.

As regards appeals I hope the Government will see that the appeal lies to some regular court and not an *ad hoc* arrangement as the Custodian General or any officer whom he may nominate on his behalf. Why should not an appeal go to a regular civil court? Special procedure may be prescribed according to rules that may be framed. At least the ordinary courts should be allowed to have some say in the disposal of the property rights of a class of our citizens. As regards the powers of the 'competent officer', they require to be scaled down.

I do not know why the 'competent officer' should of necessity be from Deputy Custodians. If Government thinks fit they even nominate one of the judicial officers to be a 'competent officer' for the purpose. I would very much like that there should be a provision like this and not that only the Deputy Custodians should of necessity be the competent officers.

Under clause 25 the Central Government may delegate all its powers to the Custodian General or the State Government. I do not like that the Custodian General should get all the powers of the Central Government. There should be some limitation in the delegation of powers to the Custodian General. Some powers may be reserved for the Central Government and if necessary those may be delegated to the State Government. That I can understand. I can also see that in most cases it is the State Government that will exercise the powers on behalf of the Central Government. But I do not like that all the powers of the Central Government should or can be delegated to any particular officer.

I hope the Government and the members of the Select Committee will look into the points raised and amend the Bill in such a way so that it may serve the purpose in view without offending the interests of any class of citizens of the State.

[SHRIMATI DURGABAI *in the Chair*]

Shri Syamnandan Sahaya (Bihar): Government have from time to time made efforts in their own way to simplify, clarify and solve this question of evacuee property. I hope you will permit me to point out however that matters have got more and more complicated, as we have passed more and more legislation in this House. I am reminded in this connection of the saying: *Marz barhta gaya jyun jyun dawa ki.* I hope the Minister will appreciate it.

After I have carefully gone through the Bill before us I can but come to only one conclusion and I would like to assure the Minister that what I am saying is not for the purpose of merely criticising the Bill but because most of us have felt so sore about evacuee properties that one is sometimes inclined to say what he feels rather frankly, even though it may not be very palatable. I submit that the only conclusion at which I arrived after going through the Bill was that this Bill gives the advantage to the evacuee Muslim to have the best of both the worlds. If he is a shareholder in India or has some relation here he will have his interest secure in our country. He has already gone to Pakistan and is making the best he can in that country. It is not an unknown fact, and the Minister too must know it, that there are lakhs of cases where Muslims have left the country for Pakistan, settled there, started business, purchased houses and still have their relations here who would claim a part of the property. Difficulties might have arisen in the case of Hindus, under the Hindu joint family, to find the share or interest of every holder in a property and this would have necessitated the bringing forward of a Bill to distinguish between the shares of people who have left this country and those who are left behind. But in the case of the Muslims a pro-

perty in the name of a particular person naturally belongs to him. There is no question of a joint family. The man may have gone to Pakistan leaving behind his wife or the wife may have gone to Pakistan and he may be here and if the Minister wants to protect him, howsoever I may admire his sense of justice I cannot admire his sense of realism, if I may use the term.

Now this difficulty about the evacuee property, in spite of the very sincere desire of the Government to remove it, continues. No one can dispute the sincerity of a Government led by Pandit Jawaharlal Nehru, with this portfolio in the hands of Mr. Jain, but the fact remains that they have not been able to achieve anything in the matter of the settlement of this question. I pointed out the other day to my friend, Mr. Jain, when he was replying to a question, that according to some calculation made by his predecessor—right or wrong, we do not know—properties worth nearly Rs. 600 crores have been left in India by Muslim evacuees who have gone to West Pakistan, and nearly Rs. 1,800 crores worth of properties have been left behind in West Pakistan by Hindus who have left Pakistan and come to India. This figure is bound to grow as more and more Hindus come.

Shri A. P. Jain: The law is not applicable there.

Shri Syamnandan Sahaya: I know it is not applicable there, and that is a point which I shall deal with later. I was talking of the figures given by his predecessor in this House. What items he took into account is more than I can say, but if you refer to his answer or to previous papers you will find that what I said is corroborated by those documents. If that is so, if the fact is that the property left behind by the Hindus in Pakistan is almost treble the property left by Muslims in India, I suppose it needs no imagination on the part of anybody in this country to come to the conclusion that Pakistan will never settle it. Why should she settle it? In order to pay a gift of Rs. 1,200 crores to India?—that is the kind of thing we had indulged in; we have given sometimes Rs. 100 crores, sometimes Rs. 60 crores. I do not object to that, I do not demur at that, I do not say it is bad, but what I say is that the position seems to me, and it would seem even to an unimaginative person, that there is no chance of settlement on this issue. The best course is to sell the evacuee property in India belonging to the Muslims and pay at least 30 or 33 per cent. to the Hindus who have come away from Pakistan to India. At least they shall have got 33 per cent. of their assets which they have left behind. And that, I say, in the case of a liquidated bank is not bad at all. At least they will have something to fall back upon and the Government will be free of their duty of giving doles and making everybody dependent every day upon what they get from the Government.....

Pandit Thakur Das Bhargava (Punjab): That 33 per cent. is a mere conjecture.

Shri Syamnandan Sahaya: That is what the hon. Minister said. I do not know that—I am basing my statement on the figure given by Government. We have to depend on the figures given by the Government however inaccurate they may be.

This Bill provides a further incentive also to the Pakistan Government not to settle this evacuee property question because if there had been some pressure, if they had felt that some people who have an interest in the evacuee property in India are not getting their share or their interest, perhaps on the ground of belonging to the same community the Pakistan Government might have felt for once, perhaps, "Why put even the other Muslims into difficulty in India? Let us settle this evacuee property question." But once the Pakistan Government is assured that every Muslim shareholder in the property of an evacuee in India is thoroughly secured and has been given back his share, I suppose it will take away even that slight incentive to settle the evacuee property question which they might have had. I submit, therefore, that on grounds of statesmanship and strategy this Bill is most uncalled for and will certainly not serve the purpose which the hon. Minister has in view.

Coming to the Bill itself one feels rather sore at heart and in mind to find one tendency almost seizing the Government of India as it has seized the Governments of the States, and that is: bar the law courts in whatever law and legislation that we may make now, and ignore all the laws that might have been passed in the past! It appears our present Government is the custodian of all wisdom accumulated both in the past and in the present and perhaps also in the future, so much so as to say that all legislation made in the past will not have effect so far as this legislation is concerned and no civil court shall have jurisdiction to discuss anything that we might do under this legislation. Permit me, madam, to point out to

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you and through you to the House that this is a tendency which I do not know what harm it will bring to this country. The attempt to deprive the judiciary of its proper jurisdiction is, to put it very mildly, a most unpatriotic act that one could do in this country at present, and that is one of the things which this Bill attempts to do. I shall point out to you in a few minutes why I have come to this conclusion.

My friend referred to the fact that this Bill did not cover the evacuees in Assam, West Bengal, Tripura, Manipur, and even Jammu and Kashmir.

Shri A. P. Jain: There are no "evacuees" in the eastern States nor in Jammu and Kashmir.

Shri A. C. Guha: Only technically speaking there may not be any evacuees there.

Shri Syamnandan Sahaya: May I take it that Muslims from West Bengal, from the State of West Bengal, from the States of Tripura and Manipur have not left those States and gone over to Pakistan? Is that the conclusion which the Government have arrived at in their wisdom?

Shri A. P. Jain: We should not talk in layman's language; when we are legislating. An "evacuee" is defined by the Administration of Evacuee Property Act. So far as the eastern States are concerned, any migrant, whether a Muslim from India to East Bengal or a non-Muslim from East Bengal to India, are the owners of their property and they are not "evacuees" in the sense as defined in the law. So far as Jammu and Kashmir is concerned, our evacuee property law is not applicable there as the Jammu and Kashmir Government have not acceded to India except in regard to three subjects; external relations, defence and communications, and therefore we are not competent to legislate with regard to Jammu and Kashmir. That is the position.

Shri Syamnandan Sahaya: I am obliged to the hon. Minister for the clarification which he has given but as I pointed out in the beginning of my speech, our grievance is that the whole question of the people who have left this country and gone to Pakistan or of those who have left Pakistan and come to India is not being tackled in an exhaustive way. You sometimes define an evacuee as a person having gone from Rawalpindi to Bulandshahr and sometimes as having gone from Bulandshahr to Rawalpindi; that may be, as you correctly put it, the legal meaning of the word "evacuee". But, pardon my saying so, commonsense sometimes supersedes legal definitions and when we think of "evacuee" we do not exclude such persons in East and West Bengal. I may be wrong, this Bill may not apply to them, but if it does not where was the question of exclusion? According to your own definition these people would not have come within the term of "evacuees". Why do you then exclude them? According to your definition the definition relates only to people from West Pakistan and people in the East Punjab. Then where was the necessity for exclusion? The very fact that you have excluded those people shows that there was a doubt in your mind or perhaps also in the legal interpretation. Any way, if you are desirous of tackling the whole problem you can now amend the Act and widen the definition to include the evacuees both on the eastern side and on the western side of the country. What I submit is that there cannot be possibly any justification for treating one class of evacuee from one part of the country on one footing and another class of evacuee from another part of the country on some other footing.

Shri A. C. Guha: Mr. Biswas will be in a better position to say that.

Shri Syamnandan Sahaya: He will say after I have done.

Now, referring to the provisions of the Bill I find that Government have become a kind of a literary genius. There are terms which at least I find difficult to understand. I was rather intrigued to see this phrase 'competent officer', as if officers appointed under other Acts for other purposes are incompetent officers. Why did the hon. Minister think that the words 'competent officer' used in this Bill would be more suitable? (*Shri Sidhva*: Because there are duffers also!) Is it because of that, or is it because when you talk too much of competence there is incompetence lurking behind? This Bill deals not only with shareholders but also with mortgagees and mortgagors. In the case of a mortgagor, that is the evacuee who has mortgaged his property and gone away, I do not see why this law should apply. If it is a mortgage with possession, the property is transferred to the mortgagee and I do not see why the Government should butt into that. If the evacuee comes back and wants to redeem his mortgage, it will be open for him to do so. After all, this whole Bill is conceived on the plane that some time or other the evacuee will come and we shall have to render account to him. If that is the idea, and Government are not going to sell

all the evacuee property and distribute the value realised among those who have come back from Pakistan to India, then why should they unnecessarily take upon themselves this responsibility of a transaction which has been knowingly and willingly gone into by the evacuee before he left India?

There are two other principles of this Bill to which again I wish to draw the pointed attention of the House and enter my caveat. One is with regard to the re-opening of transactions. Part (a) of clause 11 relates to the re-opening of transactions and part (b) relates to the re-opening of decrees. In my opinion, this latter re-opening of a decree passed in relation to the property of an evacuee is an attempt on the part of Government to discriminate between a citizen of India who is the mortgagee and a non-citizen of India, namely, the evacuee, who is a mortgagor. The Indian who took the mortgage is being made to suffer because the mortgagor has left the country and become the citizen of some other country, and our friends in order to display their sense of justice, equity, fairness and secularism are passing laws which no Government with the knowledge of the difficulties in the re-opening of transactions would have thought of enacting before thinking hundred times. This provision relating to the re-opening of transactions is highly undesirable and will lead to complications which I dare say the Ministry of Rehabilitation will not be able to solve. They will enmesh themselves into further complications from which they will not be able to extricate themselves.

I referred in my preliminary remarks to the over-riding effect of the Act, rules and orders. I found the hon. Minister smiling because perhaps he thought that I was making a wrong assertion. I shall read Clause 3. It runs thus:

> "Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law."

This is only a general clause here. Later on the Bill goes into further details and bars even jurisdiction of civil courts. Further on, you will find that this highly 'competent officer' is expected to re-open even *ex parte* decrees and decrees granted by civil courts. I am surprised why the Government thought that an *ex parte* decree granted by a civil court should be nullified by another *ex parte* decree passed by this 'competent officer', because the evacuee being not here, it will be an *ex parte* decree in any case. (*Shri A. P. Jain*: No, no.) You will explain it when the time comes. Anyhow, that is how I read it. I submit that there was no need to make this provision.

Then in regard to sub-clause (3) of clause 8, you will see that while the Custodian's orders are binding on this 'competent officer', those of a civil court are not likely to be so. This does not really help the creation of a feeling of respect for the legislation that we are making when we pass a law of this kind. I will ask the hon. Minister not merely to go by the fact of the introduction of this Bill in this House but I would ask him to consider other matters as well seriously. We are not laymen, or to tell you the truth, we are laymen. But the situation in the whole world is that laymen make the laws and the experts sitting as judges and lawyers administer and interpret them. When we proceed further to sub-clause (2) of Clause 10, it will be found that the hon. Minister has proposed that "any interest paid before such commencement in excess of the aforesaid limits shall be deemed to be a payment in reduction of the principal." I wish he had conceived for a moment what will happen in a case where the majority of the interest realised has been taken away by the Government in the shape of income-tax. Does he seriously contend that even the amount paid as income-tax will now be considered as part payment of the principal? If this is his sense of justice, I have nothing to say. But I would submit to him that while he is considering the case of those whom Providence or our own actions have placed into this difficulty, he will not create another earthquake for those who decided to live with him in this country and be a citizen of this country. I submit it will be hard; it will be unfair; it will be unjust to adjust in principal that part of the interest which has already been paid back to Government by way of income-tax. The right course for the hon. Minister would have been to make a provision that where any portion of this has been paid by way of income-tax Government will refund it and of course there it will be deducted from the principal.

My hon. friend said we are laymen. I think there is some display of

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our being laymen in sub-clause (3) of clause 10. This sub-clause reads:

> "Notwithstanding anything contained in any law for the time being in force or in any contract, where a mortgagee has taken possession on any terms whatsoever of any composite property or any part thereof as security for, or in lieu of payment of, the principal sum advanced or interest thereon, the competent officer shall, in determining the amount payable, prepare an account of the receipts of the mortgagee derived from the said property and after taking into account the expenses incurred by the mortgagee either for the cultivation or for the management or maintenance of the said property, shall credit the sum of such receipts in reduction of the amount, if any, chargeable as interest on the original principal, and so far as such sum exceeds any such interest, the reduction or discharge, as the case may be, of the original principal."

Now this 'competent officer' is supposed to scrutinise even the cultivation expenses of lands which have been handed over by the mortgagor to the mortgagee. I have no doubt the hon. Minister has some experience of cultivation himself and he knows what difficulties it will entail. Then again, asking a 'competent officer' to deal with this kind of complicated matter is, to say the least, to make him thoroughly inefficient and incompetent. He will just not be able to do it in the first place and in the second place you are opening such wide avenues of allurement for him that if he happens to falter or fall the fault, in my opinion, will be ours, not his.

I have already mentioned about the power to reopen any decree passed by a civil court and modify the same in accordance with the principles laid down in this measure. Now the hon. Minister seems to be very sure of the financial implications of this Bill. I was told by some senior Members of this House that whenever a Bill involving any expenditure is brought before this House, a financial statement is to accompany it in order that the House may know the financial commitments this House is going into by the passing of that legislation. I wonder if the hon. Minister has appended to this Bill any financial statement. At any rate, I do not find it. Perhaps it may be in office. But if he has not, this Bill must fall on that ground alone.

Even if we do not insist on that formality being complied with, I will ask him a question; may I enquire of the hon. Minister if he has sounded the Finance Ministry whether they will be able to pay him all the money he would require to pay all the co-sharers of these evacuee properties, who after taking all the money will simply walk over to the other side and become evacuees themselves? This might involve the Government in an expenditure of several crores, if the hon. Minister desires according to the provisions of this Bill to pay for the shares of partners of evacuee composite property, in order to have the entire property in the Custodian's hands. That, I submit, will not be a prudent thing for the Government to do. Every time a certain measure is discussed here, or certain questions which require some expenditure are taken up in this House, the plea comes that there is no money available; that they have to retrench, that they have to cut their coat according to the cloth. Now the hon. the Rehabilitation Minister comes before us and says: "We shall acquire the property of these evacuees, pay in cash the value of the assets of the co-sharers, so that he may have the satisfaction of taking control of all the evacuee properties." I submit that this is not the way to get about this business and I would strongly recommend to him and to the House that it is no use passing a measure like this when we know fully well that we shall not be able to find the money to carry out the objects of this Bill.

Having said so much and gone into so many clauses what do we find ultimately? The whole litigation is kept open; the decree is reopened—but after everything has happened clause 14 lays down that the rights of claimants *inter se* and by other persons against claimants will not to be affected. This means that after the whole process has been gone into, someone puts in an application in the civil court that the matter has not been properly decided, the whole thing will be reopened again. I do not say that there is no justification for visualising this difficulty. But what I ask the hon. Minister is whether it is any use bringing forward a measure which never puts an end to any decision made either by a civil court or by an officer whom he calls competent.

When I said that this Bill bars the jurisdiction of civil courts, the hon. Minister was not convinced that he had contemplated that in this piece of legislation. I need only point out clauses 19 and 21 of this Bill in sup-

port of my contention. I do not think I should take the time of the House by reading them. Clause 19 relating to Finality of Orders says that orders made by the officers "shall be final and shall not be called in question in any court by way of appeal or revision or in any original suit, application or execution proceedings." Clause 21 says that no civil or revenue court shall entertain any claim in regard to evacuee property. This is of course what I as a lay man—and he pointed out that we are all lay men—thought of this legislation. Before I resume my seat I will request the House through you, Madam, and also the hon. Minister to consider this matter carefully. There is no use passing a heapful of legislation. Even some highly placed courts have said that legislation is passed in such quick succession that even the Judges are hard put to it to keep pace with them. We have passed so many laws about evacuee property. We have had so many conferences about evacuee property. But the fact remains that we have not been able to do anything substantial in this direction. I submit that the matter now deserves being considered entirely in a different light. We have got to tackle the problem.

I would again submit to the hon. Minister through you, Madam, that the best course is to sell off evacuee properties, pay the refugees who have come from different parts of Pakistan whatever percentage is possible. That will give them something in a lump sum to start life afresh. Many of them who have come from the western side are people capable of successfully carrying out any good scheme for their rehabilitation. They are hardy people full of capacity. They have shown their capacity to bear hardships. Give them some money to begin with and do not merely pass Act after Act and, as some one said, keep giving them only hopes never to be fulfilled.

Shri A. P. Jain: I am beholden to the hon. Members of this House for the very temperate and considered manner in which they have offered their observations on the motion which I have moved. There are certain questions of principle which have been raised and some suggestions with regard to the detailed provisions have also been made. I will deal with the questions of principles first and later on with some of the matters of detail.

The hon. Member who has just concluded and a few other hon. Members have characterised this Bill as a drastic measure. It is a drastic measure. They have complained that this law overrules many provisions of existing law. It does over-rule many provisions of existing law. But you can meet an extraordinary situation only in a drastic manner. In my opening speech I made it clear that the object of this Bill could be achieved through the machinery of the civil courts. But at what cost? It would have taken years and years. Is there a parallel in the world when lakhs of properties have been left behind by persons who no longer live in that country? Is there another example where lacs of persons who own property, are unable to enjoy the usufruct or the benefit thereof? They cannot come and defend their rights. Under that extraordinary situation the evacuee property law was passed, and I maintain that that evacuee property law has saved lacs of properties worth several hundred crores. But for that law that property would have gone to ruins.

If we want to achieve the object within a reasonable time, namely separation of the two interests, then we have got to pass a law which can be administered in a summary manner and which may yet do no injustice to the parties concerned. If that be the criterion I maintain that this law is designed to achieve the object.

The hon. Member who has preceded me and some other Members have objected to the word "competent". They seem to think that the word "competent" means that the man is a capable person and perhaps the only capable person to do the job. I regret that they have misunderstood the word "competent". "Competent officer" means a person who is competent to discharge the functions prescribed under this Act. That is what "competent officer" means.

Shri Syamnandan Sahaya: That is so in every Act.

Shri A. P. Jain: Now that officer must be either a judicial officer or a lawyer of some standing, which guarantees that he will be competent in the other sense also.

The hon. Member Shri Syamnandan Sahaya has strongly objected to the exclusion of the jurisdiction of the civil courts. Setting up of special courts is not a new phenomenon. After all what are we doing? We are establishing special courts. They will also be civil courts. They will be governed by the Civil Procedure Code. I refer to clause 18. There is an appeal provided in clause 15. What else is a civil court? This is a special kind of a civil court.

Shri Syamnandan Sahaya: Civil court is a court over which the executive has no control. That is the chief point about the civil court.

Shri A. P. Jain: I assert that this Bill does not provide for any control of the executive over these courts. The 'competent officer' will be an officer under the jurisdiction of the Custodian General who is a judicial officer.

Again, an hon. Member has observed that while we have prescribed a condition that a 'competent officer' will either have judicial experience or be a lawyer of some years' standing we have not laid down any such condition with regard to the officer to whom the Custodian General can transfer the appeals. Literally speaking, that is correct. But sub-clause (2) of clause 15 says that cases could be transferred to such appellate officer as may be specified in this behalf by the Central Government. The Custodian General will not have an arbitrary power to transfer it to any person. And surely no Government would be so foolish as to establish an appellate authority which is inferior to the authority exercising original jurisdiction. When the person who exercises the original jurisdiction will be a person of the rank of a Deputy Custodian, the appellate authority will be a person of the rank of a Deputy Custodian, the appellate authority will Custodian. And that officer can only be either the Custodian or Additional Custodian who will certainly be more competent than the 'competent officer' mentioned in clause 6.

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More than one Member has complained as to why we have not extended the operation of this law to the eastern States, namely the States of Assam, West Bengal, Tripura, and Manipur. I offered an explanation to the hon. Member who just preceded me that the evacuee property law is not applicable there. He asked "Why do you not make that law applicable there?" Human affairs cannot be measured by the same yard stick irrespective of the conditions and the circumstances that exist. In different conditions and different circumstances we have to offer different remedies and apply different laws. The conditions in our eastern States to which persons from East Bengal have migrated are very different. The Muslim emigrants and the non-Muslim migrants in the east both own the properties in their respective home Provinces. They have been able to sell their properties in some cases and to make use of the money. It is not a good thing that the owners of the property should be deprived of the right to make use of their property. However in the west we had to do it because we found that the Muslim migrants could not come back to India and the non-Muslim displaced persons here could not go to West Pakistan. On the other hand there is a great deal of traffic of displaced persons between East Bengal and West Bengal and the rest of the States in the East, even when the relations between us and Pakistan are none too good. Should we stop that thing, a very healthy thing, a very desirable thing, merely because it does not provide for the applicability of the same yard-stick all over India?

Shri Syamnandan Sahaya: Do you believe that the Hindu migrants are likely to go back to East Bengal? From when are they going back and in what numbers?

Shri A. P. Jain: In fairly large numbers. We have statistics about it.

Shri Syamnandan Sahaya: Do the statistics show that they are going or coming?

Shri A. P. Jain: The conditions between the East and the West are different and we would not be serving the cause of the displaced persons or of the Muslim migrants if we apply the same yard-stick to all parts of the country.

Shri Syamnandan Sahaya: May I inquire as to how many Hindus in East Bengal have been able to sell their properties and how many Muslims in West Bengal have sold their properties and gone away? Are there any figures maintained by Government?

Shri A. P. Jain: There are no statistics, but such cases have occurred. It is not a presumption. It is a fact. In fact some migrants on either side are going back and taking possession of their property. It is all right for those who are not affected by that law to say: Well, squash the titles, but ask those who are affected with it, whether they are prepared to accept your advice.

Now, as far as this Bill is concerned, I can assure the House that at every stage I have been taking the refugees into confidence and they welcome this measure. It is with their advice that I have initiated this Bill. I have not been able to understand the logic of my hon. friend, Mr. Sahaya, when he says that we should not pass this law. Who is the best judge of it? I say

those who are going to be benefited or say affected by it.

My hon. friend, Mr. Rohini Kumar Chaudhuri has indulged in his usual habit of self-contradiction. He says that this Bill is going to do no good to anybody, nothing is going to come out of it, and yet he makes a grievance of it and asks why it has not been extended to Assam. If it is such a worthless measure, let the home province of Shri R. K. Chaudhuri be saved from it. My hon. friend, Mr. Sahaya said that joint Hindu family law does not apply to Muslims, how does the question of joint properties arise? Almost everybody knows that brothers, relatives and even sometimes strangers are co-sharers in the same property. One co-sharer may have gone over to Pakistan and another remained here. In such cases the property is either in the possession of the Custodian or in the possession of the local person. Either the Custodian charges rent from the local person or the Custodian pays rent to the local person. But rent is not the only thing. The owner of the property may like to live in it. Both in order to determine the evacuee property pool and to enable the non-evacuee owner to enjoy the full use of the property it is necessary that the two interests should be separated.

Another argument has been advanced that the Muslim migrants might come back and therefore, why should we separate these interests. Whatever some of my hon. friends might think....

Shri Syamnandan Sahaya: They need not come back.

Shri A. P. Jain: They may never come back but the displaced persons from here will unfortunately never go back to West Pakistan. We have to face realities. Now a property which is a composite property and yet which is in the possession of one does not allow the other to enjoy the full benefit. We want to separate these interests so that the property may be better looked after and the respective owners enjoy their shares to the fullest extent. A rather queer argument about the re-opening of *ex parte* decrees referred to in clause 8—proviso 2—was advanced by an hon. Member. He said that after all the new decree is also going to be an *ex parte* decree. I join issue with him. When this case will be decided the 'competent officer', somebody on behalf of the Custodian who is a trustee of the interests of the evacuee will be present to defend his interests. In many cases, decrees have been passed in the absence of the evacuee owners and it is only with respect to such decrees that we have provided that they might be reopened. I shall cover some other points raised by some other hon friends. My hon. friend, Mr. C. C. Shah has made some very valuable suggestions. I am very grateful to them. He said that partnerships, tenancy rights, agreement to sell shares etc. are not covered by our present law. I am not so sure about all these things but it is a valuable suggestion and I hope that the Select Committee will pay due consideration to it. He raised some objection about the law of Damdupat. Damdupat has been interpreted in two ways: that the payment shall not at any one single time exceed double the amount of the principal and there is another interpretation in which all previous payments are taken into account and the total payment including the previous payment will not exceed twice the principal. We have accepted the latter interpretation, and I do not wish to say anything more about it. At any rate, all these points may be considered by the Select Committee. An observation of a rather general nature has been made by more than one hon. Member, namely that we are trying to benefit the evacuee owners at the expense of the local citizens. I plead not guilty to that charge. It is true that we have provided for reduction of interest according to the scheme laid down in clause 10. But that is not a new principle that we are introducing. All over India there are debt laws in which interest has been reduced to fair and reasonable figures. The Usurious Loans Act which controls the rates of interest and also applies the principle of Damdupat is applicable to the whole of India. In this case we have decided to give certain reliefs and the reason for giving these reliefs is mentioned in the Statement of Objects and Reasons. The mortgagors have been unable to redeem their properties on account of causes beyond their control, their properties might have deteriorated in the absence of personal supervision.

Some confusion appears to exist in the minds of some hon. Members with regard to clauses 8, 9 and 12. Clause 8 does provide for summary enquiry. But let us see what is going to be decided under clause 8. It is not that arbitrary powers have been given to competent officers. The nature of competent officers' decision has been defined in sub-clause (2) of clause 8 which says:

> "If there is any doubt or dispute as to whether a liability is a mortgage debt or not or whether any claim submitted under section 7 exists, the competent officer shall decide such dispute."

[Shri A. P. Jain]

If the Custodian has determined the interest of the evacuee in the property, then that determination by the Custodian will be binding. A reference to the evacuee property law will show that the decision of the Custodian in determining the evacuee's interests in any property is final. It cannot be challenged in any civil court. That decision will also be binding upon the competent authority. In most cases the Custodian has already defined the interests of the evacuee in the property. So there will be very few cases where there will be an enquiry in a summary manner. And we are not so much wedded to this provision. It can be examined further in the Select Committee and if it is felt that there should be a detailed enquiry, I for one would not object to make the necessary changes. After the officer has determined that the mortgage subsists or the co-sharer's interests subsist, then he will proceed to decide the case under clause 9. Under that clause what will he do? Clause 9 wants him to determine the cash value of the two interests. He will also divide by metes and bounds the respective shares. That is what is required under clause 9. Whatever orders he passes under clause 9 will ultimately lead to the final order under clause 12 where various courses have been prescribed. Either we give the whole property to the local co-sharer and receive the cash value of the share of the evacuee, or we retain the property ourselves and pay to the local the cash value of his share, or we divide the property by metes and bounds or sell the property and divide the sale proceeds in the proportion of the respective shares owned by the parties.

A constitutional objection was raised by the hon. Member who preceded me that clause 12(a) provides for payment and it makes this a financial Bill. I cannot accept the objection. I have not come to Parliament for sanction of any money. I do not think that I will come to Parliament for sanction of any money to make this payment. If we have to make payments in one place, we have got to receive payments in another place. And if ever I come to the House for monetary sanction, then of course, I shall have to give a statement.

I have covered most of the points that were raised by hon. Members. I would like to make one more observation of a general nature and it is this. Perhaps an excessive attempt is being made to confuse this Bill with the question of payment of compensation. The objects and reasons of this Bill have been very clearly stated. A large number of properties are composite properties in which both the evacuees and the non-evacuees have composite interests. Now, these properties cannot be properly managed and looked after. It is in the interest of both the evacuee and the non-evacuee, that these interests are properly safeguarded. It is to provide for the better management and care of the property that we are enacting this Bill. But supposing that we accept Mr. Sahaya's proposition for the sake of argument, that we sell the property, can we sell the composite properties? If we have to sell or allot these properties as compensation to the displaced persons, can we do so without separating the admixture? Of course, I am not committing myself as to what will be done with this property. That will be a matter which will have to be decided later on. We shall try to decide the matter in agreement with Pakistan, though I do not rule out possibility of unilateral action if no agreement is possible with Pakistan. If we have to do it, this preliminary step will always have to be taken before we can proceed further. I make it clear again that it is not fair to mix up the two issues. A reference was made by Mr. R. K. Chaudhuri to certain properties which have been released either under section 16 or section 52 of the Evacuee Property Act. He referred to three cases, though not specifically by name. One was the case of Mohd. Din Chatriwala, the second was that of Mohd. Ismail Japanwala and the third was that of Feroze-ud-Din Japanwala. The position with regard to Mohd. Din Chatriwala is that his property was declared evacuee property and in the other two cases the property was not declared to be evacuee property but they were declared to be intending evacuees.

The House will remember that when the Administration of Evacuee Property Act was under discussion my predecessor Mr. Mohanlal Saksena gave an undertaking that those who had migrated to Pakistan but returned to India before the introduction of the permit system and settled down would be exempted from the operation of section 2(d)(1) of the evacuee property law, which was then in the course of passage. As this undertaking was given in connection with certain amendments that were otherwise sought to be moved, Government considered it as solemnly binding as the legislation itself. To give effect to the undertaking a notification under section 52 of the Administration of Evacuee Property Act, 1950 was issued on the 3rd July, 1950. Admittedly

Mohd. Din Chatriwala had returned before the introduction of the permit system, i.e., before the 19th July, 1948. There is no dispute about it. During the course of the hearing of this case before the Custodian General the question whether a notification of July 3, 1950 was applicable to this case came up and the Custodian General himself conceded that the case of Chatriwala satisfied the conditions of clause (a) of the notification: he had returned before the 19th July, 1948. But he held that the notification of 3rd July, 1950 as framed could not govern the decision of the case because the property of Chatriwala had been declared evacuee property under the provisions of Ordinance XII of 1949 and not under the provisions of the Administration of Evacuee Property Act, to which the exemption was confined. To make it more explicit the Custodian General was of the opinion that Chatriwala had returned to India and settled in India before 19th July, 1948 but the notification of 3rd July, 1950 giving exemption from the evacuee property law to such persons was not applicable in his case, because the notification gave exemption only to properties which had been taken under the Administration of Evacuee Property Act, of 1950 and not under a corresponding provision of a law which preceded the Administration of Evacuee Property Act, that is, not to properties which had been taken over under a corresponding provision of the previous Ordinance. It was a technical objection. The question was considered at the highest level and it was decided that though technically Chatriwala did not come under the notification as it had been framed, in reality his case was covered by the exemption. If the notification was given limited interpretation, the undertaking given by the Minister in this House would become infructuous. That is, the object of the notification would be nullified if it was not given retrospective effect. It was to fulfil the clear intention of the undertaking given in this House and accepted by this House that Government at the highest level proceeded to exempt this property under section 16 of the Administration of Evacuee Property Act.

Dr. Tek Chand (Punjab): Was it accepted by this House? May I submit, madam, that many statements are being made which are not correct. The position taken up by my hon. friend is self-contradictory.....

Shri A. P. Jain: I do not yield floor to my hon. friend and he may raise his objections sometimes else.

As regards the other two cases of Shri Feroze-ud-Din Japanwala and Shri Mohd. Ismail Japanwala, they were declared 'intending evacuees'. They continued to be in possession and enjoyment of their property which never became a part of the evacuee property pool. They were, however, under certain provisions of the law, debarred from transferring their property without the permission of the Custodian and could be subjected to other obligations such as rendering of accounts, as the Custodian may prescribe. Government felt that prolonged application of restrictions would mean continuous harassment to its citizens and was of the opinion that in the case of a person declared 'intending evacuee', if it was proved that in spite of the presumptions raised in the Administration of the Evacuee Property Act, such person has no intention to migrate, there was no justification to prolong the restrictions. Some hon. Members may have a different opinion.

Lala Achint Ram (Punjab): What was the undertaking given by the hon. Minister's predecessor?

Shri A. P. Jain: I have mentioned it in connection with Shri Chatriwala.

Lala Achint Ram: But was it also not included that the gentleman ought not to have got allotted property in Pakistan?

Shri A. P. Jain: No, no. You better look at the notification and also the understanding given. Now, so far as these two cases were concerned, that is the position of the Government.

We have issued a Press communique giving all these facts. At the end of that communique we say that Government propose to initiate amendment of the Administration of Evacuee Property Act, 1950, to give effect to the policy indicated in this communique. Well, there will be an opportunity then for everybody to discuss the principles on merit. All that I submit is that nothing has been done in an arbitrary manner as is being represented by certain sections of the Press and by certain persons.

I am thankful to the House for giving me a patient hearing.

Mr. Chairman: The question is:

"That the name of Shri C. C Shah be added to the Select Committee."

The motion was adopted.

Mr. Chairman: Now I will put the motion to the House with the addition of Shri C. C. Shah's name to the list of Members.

The question is:

"That the Bill to make special provisions for the separation of the interests of evacuees from those of other persons in property in which such other persons are also interested and for matters connected therewith, be referred to a Select Committee consisting of Shri Raj Kanwar, Lala Achint Ram, Dr. Bakhshi Tek Chand, Prof. Yashwant Rai, Sardar Ranjit Singh, Shri Jaspat Roy Kapoor, Pandit Thakur Das Bhargava, Giani Gurmukh Singh Musafir, Sardar Hukam Singh, Sardar Bhopinder Singh Man, Shri B. L. Sondhi, Shri R. K. Sidhva, Shri M. L. Dwivedi, Dr. Devi Singh, Chaudhri Hyder Husein, Shri C. C. Shah and the Mover, with instructions to report by the 1st September, 1951."

The motion was adopted.

TARIFF COMMISSION BILL

The Minister of Commerce and Industry (Shri Mahtab): I beg to move:

"That the Bill to provide for the establishment of a Tariff Commission and to regulate its duties and functions, as reported by the Select Committee, be taken into consideration."

This Bill was introduced in this House in May last and the House spent two days on its discussion. The policy underlying this Bill was generally agreed to by the House and the Bill was referred to a Select Committee consisting of competent Members who devoted much energy and time to the various provisions. Some recommendations have been made by the Select Committee by a majority of votes and some unanimously. Government have accepted all the recommendations. Therefore, on behalf of Government no amendment is going to be moved. Although it is feared that in some cases the Select Committee did not realise the administrative difficulties which might arise, taking the whole picture into consideration Government thought that it would be better to leave the working of the law to time and to gradually gain experience. If necessary, some amendments may be brought later on.

I particularly refer to clause 20 of the Bill wherein it was provided originally that the Tariff Commission should have some powers to enter into premises and seize records, but the Select Committee thought that that provision was too drastic and was not perhaps necessary for the efficient working of the Bill. We have accepted that position although from our experience we see that in the past a number of important industries did not disclose their records and did not give information to the Tariff Board and in some cases the Tariff Board itself passed some comments on the conduct of those industries. Compare this with the United States Tariff Commission. There, they have got a provision empowering the Tariff Commission to seize records and enter into premises to collect information by force of law. But that provision was dropped in view of the Select Committee's recommendation. If it is found later on that some such provision is necessary for the efficient working of the law, an amendment may be brought subsequently, but for the present we are accepting the recommendation of the Select Committee.

Another recommendation that the Select Committee has made is in regard to the appointment of officers as members of the Commission. They desire that ordinarily no officer in the administrative Branch of the Department should be appointed and if at all one is appointed the number should be the minimum. Government have accepted this recommendation and on behalf of Government I may make the statement that we are going to respect it. In this connection, I may point out that in Australia there is a statutory provision that the Tariff Commission must consist of at least one administrative officer belonging to the Trade and Commerce Department. However much there may be weighty arguments in favour of appointing administrative officers, I can straightaway say that normally administrative officers will not be appointed as members of the Tariff Commission; we shall appoint only persons as qualified under the law. If ever any officer is appointed, the number will certainly not be more than one or so and that would be as the Select Committee has recommended.

Another recommendation made is in regard to the rule-making power given to the Commission in some cases and to Government in some others specifying how the employees of the Government are to be appointed. We have left it to the Commission to make rules for that. The Select Committee desires that in respect of employees drawing below Rs. 300 there should be regulation by the Public Service Commission. I straightaway accept

that recommendation and we shall certainly make rules providing for reference to the Public Service Commission of the cases of employees under the Tariff Commission.

I do not want to go into the details of the recommendations of the Select Committee. However, I see from the notices that some amendments, mostly based on dissentient minutes appended to the Select Committee Report, have been tabled. These points were thoroughly discussed in the Select Committee, as they will be discussed here too. So far as these amendments are concerned, I may at once say that they do not relate to any question of principle. I would, therefore, request hon. Members to have an open mind on this matter, as I promise I will have in regard to these amendments. I shall point out at the opportune moment how some of these amendments are impracticable and unnecessary, and if I am able to carry conviction to the House, I hope hon. Members who have tabled them will not insist on moving them. If, on the other hand, the Movers are able to convince me of the practical necessity of the amendments, I would be only too glad to accept them. So far as I could make out, there is no question of principle involved in many of these amendments.

I do not want to take more time of the House and hope that this Bill will be passed expeditiously.

Mr. Chairman: Motion moved:

> "That the Bill to provide for the establishment of a Tariff Commission and to regulate its duties and functions, as reported by the Select Committee, be taken into consideration".

श्री भट्ट: माननीया सभानेत्री जी, जो टैरिफ़ कमीशन बिल (Tariff Commission Bill) विशेष समिति की ओर से हमारे सामने आया है उस विषय में मुझे दो चार बातें आप के सामने पेश करनी हैं। मैं ने अपनी अलग राय में भी कुछ बातें बताई हैं और इस मौक़े पर उन बातों को और दूसरी कुछ बातों को लेकर मैं कुछ बोलना चाहता हूं। जो विषय उपस्थित होते हैं उन में मुख्य यह हैं: सदस्यों की संख्या, जो काम चलाऊ सदस्य हैं यानी जो अल्पकालीन या ऐड हाक (*ad hoc*) सदस्य हैं उन के विषय में, सदस्यों की अवधि कितने साल की होनी चाहिये और जो सदस्य निवृत्त होता है उस के ऊपर कोई बन्धन जिस रीति से इस में लगाया गया है वह होना चाहिये या नहीं होना चाहिये, रक्षण के लिये जो अर्जियां आती हैं वह अर्जियां सरकार चाहे तो टैरिफ़ कमीशन के पास भेजे या उन को भेजना ही चाहिये, फिर मार्ग-दर्शन में जो सिद्धान्त प्रतिपादित किये गये हैं उस में छोटे उद्योग धन्धों के बारे में टैरिफ़ कमीशन सोच विचार ज़रूर करेगा ऐसा सिलेक्ट कमेटी (Select Committee) की रिपोर्ट में है, उसके साथ साथ क्या मज़दूरों की स्थिति के बारे में और उनकी हालत के बारे में भी मार्ग-दर्शन के सिद्धान्तों में ज़िक्र किया जायगा या नहीं किया जायगा। इतने विषय हैं कि जिन के ऊपर मैं चन्द शब्द बोलना चाहता हूं।

मैं आपके सामने सिर्फ मोटी मोटी बातें रखूंगा और मैं ज़्यादा समय नहीं लेना चाहता हूं। हमारे माननीय मन्त्री जी ने कहा है कि जो संशोधन वगैरह आये हैं और जिनका आधार हमारे मिनिट आफ डिस्सेंट (Minute of Dissent) पर है वह सिद्धान्ततः उन को अमान्य नहीं है। वह कहते हैं कि वह तफ़सील के सवाल हैं और तफ़सील के सवालों पर विचार किया जायगा। बड़ी खुशी की बात है। उन्होंने कहा है कि मैं अपना दिमाग खुला रखता हूं यह देखने के लिये कि कौन सी चीज़ माननी चाहिये कौनसी नहीं माननी चाहिये। अगर वह हम को शुरू में ही जंचा सके तो हम उन सुझावों को आपके सामने पेश नहीं करेंगे। लेकिन साथ ही साथ मैं भी उनसे यह प्रार्थना करना चाहता हूं कि वे भी अपना दिमाग इसी तरह से खुला रखें कि जो चीज़ हम कहें...

श्री सचदेवा: यह तो वह पहले ही कह चुके हैं।

श्री भट्ट मैं यह चाहता हूं कि वह अपना दिमाग़ पूरी तरह से खुला रखें। दिमाग़ दो रीति से खुला रह सकता है। एक तो दरवाज़ा पूरी तौर से खोला जाय और अन्दर से बोल्ट (bolt) न लगाया जाय और दूसरा यह कि थोड़ा सा खोला जाय। तो हम दोनों तरह से अपना दिमाग़ खुला रख सकते हैं। यह मैं प्रार्थना करूंगा कि वह अपना दिमाग़ पूरा खुला रखें।

एक बड़ी सिद्धान्त की बात है जिस की तरफ़ मैं माननीय मन्त्री जी का ध्यान दिलाना चाहता हूं और अपने दोस्तों का भी ध्यान दिलाना चाहता हूं और वह बात यह है, जो कि मुझे खास तौर से अखरती है। उस बात को कहने के पहले प्रस्तावना के तौर पर मैं आप से यह कहना चाहता हूं कि यह जो टैरिफ़ कमीशन है उस का काम एक तरह से सलाहकार का है, उस का कार्यक्षेत्र परामर्श देने का है और यह एक एडवाइजरी बोर्ड (Advisory Board) के तौर पर काम करने वाला है। इस चीज को पहले फिस्कल कमीशन (Fiscal Commission) ने भी साफ़ तौर से बता दिया है कि जो टैरिफ़ बोर्ड (Tariff Board) बनाया जाय उस का काम सलाहकार का होगा। यह टैरिफ़ बोर्ड सन् १९२२ में बनना चाहिये था पर उस को हम अब बना रहे हैं। लेकिन देर से सही उस काम को तो हम कर रहे हैं इस लिये मैं उस का स्वागत करता हूं। तो इस टैरिफ़ बोर्ड का नाम अब टैरिफ़ कमीशन रखा है, क्यों कि आजकल कमीशन्स का ज़माना है और कमीशन के नाम का बहुत ज्यादा महत्व माना जाता है। मैं तो खुद टैरिफ़ बोर्ड नाम ज्यादा पसन्द करता। लेकिन जब कि आम राय है टैरिफ़ कमीशन के बारे में तो मैं कुछ नहीं कहना चाहता। इस टैरिफ़ कमीशन या टैरिफ़ बोर्ड के लिये फिस्कल कमीशन ने भी यही कहा है और उस को मान कर दूसरे फिस्कल कमीशन ने १९५० में यह राय कायम की है कि यह इनवेस्टिगेटिंग (Investigating) और एडवाइज़री बाडी (Advisory Body) होगा। तब यह एक ऐसा जो कमीशन हम बनाने जा रहे हैं उस कमीशन के सदस्यों पर क्या ज़िम्मेदारी होगी और उन से हम क्या आशा करें और वे लोग जो सदस्य होंगे वे कौन होंगे? उन के गुणों और उन की लियाक़त के बारे में कहा गया है कि वे लोग बहुत ऊंचे दरजे के लोग होंगे जिन की प्रामाणिकता के विषय में हम को कोई सन्देह नहीं होगा, जो लोग समाज में एक बड़ा स्थान रखने वाले होंगे और जिन की सचाई के बारे में हमें कोई सन्देह नहीं होगा। ऐसे लोगों को हम नियुक्त करेंगे। अब इन लोगों को हम चाहे तीन साल के लिए या ६ साल के लिये या पांच साल के लिये या दस साल के लिये नियुक्त करें। इन लोगों को हम नियुक्त करेंगे और जब वे अपना काम छोड़ दें तो हम उन पर एक बन्धन डालना चाहते हैं, एक पाबन्दी लगाना चाहते हैं और वह यह है कि वे लोग अपनी सेवा-निवृत्ति के बाद तीन साल तक कोई भी काम उस उद्योग धन्धे में या व्यापार में नहीं करेंगे याने किसी प्राइवेट इंडस्ट्री (Private Industry) या अंडरटेकिंग (undertaking) में काम नहीं लेंगे। मैं इस बात को एक सिद्धान्त की दृष्टि से देख रहा हूं कि जब ऐसे ऊंचे दरजे के आदमियों को हम नियुक्त कर रहे हैं तब आम तौर से वे ऐसे होंगे कि जो या तो अपना पुराना धन्धा फिर शुरू करेंगे और या वे निवृत्त ही हो जायेंगे समाज के काम से क्योंकि उन्होंने इतना काम किया होगा

TO

कि जिससे उन को और दूसरा काम करने की जरूरत नहीं होगी, या सरकार उन की सेवाओं को दूसरी जगह उपयोग में लायेगी। तो वह ऐसे आदमी होंगे। हम ने सन् १९५० की फ़िस्कल कमीशन की प्रश्नावली जो कि हमारे सामने है देखी है। उसमें किसी भी जगह इस तरह का प्रश्न नहीं पूछा गया है कि क्या आप यह चाहेंगे कि टैरिफ़ कमीशन के सदस्यों पर इस प्रकार की पाबन्दी लगाई जाय। यह प्रश्न नहीं पूछा गया है और स्वाभाविक तौर पर उत्तरों में भी किसी ने यह नहीं बताया है कि इस प्रकार की पाबन्दी लगानी चाहिये क्योंकि यह तो कभी कल्पना ही नहीं हो सकती थी। यह तो फिस्कल कमीशन के माननीय सदस्यों ने अपनी तरफ से सुझाया है कि जब यह सदस्य निवृत्त हों तो उन को कुछ साल के लिये काम न करने दिया जाय। इसके कारण नहीं बतलाये गये। और जब मैं ने प्रवर समिति में यह पूछा तो मुझे यह बतलाया गया कि अन्देशा यह है कि जो लोग उद्योग धन्धों की जांच करेंगे, सिफ़ारिशें करेंगे वे लोग कोई लालच में न लिपट जायं उन लोगों को खरीदा न जाय और वे लोग नीचे न गिर जायं इस लिये यह पाबन्दी लगाना जरूरी है। मैं हैरान हुआ यह सुन कर। मैं इस चीज़ को, सभानेत्री जी, आप के सामने विशेष रूप से रखना चाहता हूं। पहले तो हमें यह सोचना चाहिये कि यह जो कमीशन बनेगा यह किस तरह से काम करेगा। यह कमीशन सलाह देने वाला कमीशन होगा, जांच करने वाला कमीशन होगा। और यह जांच गुप चुप नहीं की जायगी। यह कैमरा में (in camera) बैठ कर जांच करने वाला कमीशन नहीं होगा। जैसा कि पहली और दूसरी फिस्कल कमीशन की रिपोर्ट में बतलाया गया है यह कमीशन पब्लिक इन्क्वायरी (Public Inquiry) करेगा। और लोगों को यह हिदायत दी जायगी कि वह अपनी तरफ़ से जो जो चीज़ रखना चाहें वह रख सकेंगे। कमीशन जो अपनी जांच करेगी वह ज़ाहिरा होगी और हर आदमी को यह मौक़ा होगा कि वह अपनी बात को वहां रख सके। तब यह मेरी समझ में नहीं आता कि यह कमीशन कौनसा गोलमाल करेगा। आप के शब्दों को ही ले लीजिये।

Shri Mahtab: As the hon. Member is just now speaking on the amendments, am I to understand that these things will be again discussed and speeches delivered?

Mr. Chairman: Perhaps he may not move the amendments.

Shri Mahtab: I am very glad to note that he is not moving his amendments.

Mr. Chairman: I only said he may not move his amendments.

श्री भट्ट: मैं आम तौर से सिलैक्ट कमेटी की रिपोर्ट पर बोल रहा हूं और उस रिपोर्ट में जो चीज़ आई है उसमें यह एक चीज़ मेरी तरफ़ से आई है, यह मैं मानता हूं। मुझे उसे साफ़ करने का अधिकार है और जब संशोधन आयेगा तो शायद मैं न भी बोलूं।

सभापति महोदय: आनरेबिल मिनिस्टर जानना चाहते हैं कि फिर आप अमेण्डमेंट मूव (Amendment move) करेंगे और तब फिर आप बोलेंगे।

श्री भट्ट: मैं ने अर्ज़ की है कि मैं इतना लम्बा उस समय न भी बोलूं।

तो मैं अर्ज़ कर रहा था कि यह जांच जो होने वाली है वह ज़ाहिर तौर पर होने वाली है और इस ज़ाहिरा जांच के विपरीत भी अगर टैरिफ़ कमीशन के सब सदस्यों ने किसी एक उद्योगपति के जाल में फंस कर कोई अपनी सिफ़ारिश की तो भी वे सिफ़ा-

[श्री भट्ट]

रिशें आखिर आबैंगी कहां ? वे तो कोई एग्जीक्यूटिव पावर (Executive power) नहीं रखते । एडमिनिस्ट्रेशन (Administration) की कोई पावर उन के पास नहीं है । यह जांच की रिपोर्ट सरकार के पास आयेगी, और, जैसा मैं ने अपनी अलग राय में बताया है मैं आप का ध्यान दिलाना चाहता हूं कि समझ लीजिये कि सरकार भी ऐसे उद्योगपति के जाल में फंस कर और उन लोगों के दृष्टिकोण से कोई हुक्म निकाल भी दे कि हां इन उद्योग धन्धों को इतनी रक्षा दी जाय, तो भी आखिर में हम इतने पार्लियामेंट के सदस्य हैं । हम इस चीज़ को देखेंगे और मैं मानता हूं कि ऐसी कोई बात नहीं हो सकती है । आज कल के ज़माने में, अख़बारी ज़माने में, जब कि एक छोटा सा भी गोलमाल हो जाता है तो कई अखबार नवीस ऐसे बैठे हैं, कई सम्वाददाता ऐसे बैठे हैं, हाउस में भी कई आदमी ऐसे बैठे हैं कि वह इन चीज़ों को ज़रूर बाहर लायेंगे और हम लोगों का ध्यान दिलायेंगे । अगर हमारा ध्यान नहीं भी गया तो और दूसरे ज़रियों से यह चीज़ सामने आयेगी कि इसमें पक्षपात हुआ है और इन उद्योगों को नाजायज़ फ़ायदा मिला है, क्योंकि टैरिफ कमीशन के सब सदस्य खरीदे गये थे, और न सिर्फ़ टैरिफ़ कमीशन के सब सदस्य ही खरीदे गये थे बल्कि सरकार के भी मन्त्रिगण खरीदे गये थे लेकिन आखिर पार्लियामेंट (Parliament) के सामने यह चीज़ तो आने वाली है ही ।

श्री सिधवा : ऐसा हो सकता है ?

श्री भट्ट : ऐसा हो भी सकता है । मैं कहता हूं कि मान लीजिये कि अगर ऐसा हो भी जाय तो पार्लियामेंट के सामने यह चीज़ आवेगी ।

मैं ने एक और दलील पेश की है कि समझ लीजिये कि एक आदमी इस रीति से निकम्मा निकलेगा, टैरिफ कमीशन के सब आदमी नीचे उतर गये और यह टैरिफ कमीशन के आदमियों ने इस तरह गोलमाल करवाया और पार्लियामेंट के सदस्यों की आंखों में धूल झोंकी तो जो पाबन्दी मेम्बर (Member) के ऊपर लगी है कि तीन साल के लिये वह कोई काम नहीं ले सके, यह कोई अर्थ नहीं रखती । ऐसे आदमी जिन्होंने इस प्रकार से गोलमाल की हो, इस प्रकार से खरेदें गये हों, इस प्रकार से गलत कार्यवाही की हो, वह आदमी क्या सेवा मे निवृत्त होते ही दूसरा काम ले लेगा ? उन्हों ने तो लाखों रुपये बना लिये होंगे ।

Mr. Chairman: Isn't the hon. Member repeating the same point? He may pass on to the next point.

श्री भट्ट : मैं बहुत जल्दी यह खत्म कर लेता हूं ।

सभापति महोदय : खत्म करने की बात नहीं है। आप इस प्वाइंट (Point) पर पहले भी बोल चुके हैं ।

श्री भट्ट : क्यों कि जब तक मैं अपने प्वाइंट को साफ नहीं कर लेता मुझे उसे समझाना पड़ेगा । और मैं एक नया आदमी हूं ।

श्री श्यामनंदन सहाय : आप तो पुराने मेम्बर हैं ।

श्री भट्ट : सभानेत्री जी, मुझे माफ कीजिय, मुझे और मौका दीजिये । मैं इस पर लम्बी बहस नहीं करूंगा । लेकिन मैं यह बताना चाहता हूं कि ऐसा आदमी जिस के ऊपर आप यह पाबन्दी तीन साल

की लगाते हैं उस को वह इन आर्डर टु कनफार्म टु दी लैटर आफ दी ला (In order to conform to the letter of the law) मान लेगा, लेकिन वह आदमी ऐसा ही निकम्मा रहेगा। आप उस को चाहे तीन साल तक काम लेने की इजाज़त दीजिये या न दीजिये, वह इस की कोई परवाह नहीं करेगा। इस लिये इस चीज़ का क़ानून में रखना कोई शोभा नहीं देता। यह चीज़ हमारी पालियामेंट को शोभा नहीं देती है। और जो कमीशन आप बनाने जा रहे हैं उस के लिये भी यह एक भद्दी सी चीज़ मालूम होती है।

अब इस चीज़ को मैं एक मिसाल और दे कर समझाना चाहता हूं। हमारे संविधान में अटार्नी जनरल (Attorney General) को हम नियुक्त करते हैं तो जब वह सेवा से निवृत्त होते हैं तो उन के ऊपर क्या कोई इस प्रकार की पाबन्दी हैं? जो इलैक्शन कमीशन (Election Commission) है उस के ऊपर कोई क्या इस तरह की पाबन्दी है? फिर जो जज आप नियुक्त करते हैं उन के ऊपर क्या कोई पाबन्दी है? वह तो अगर उन की उम्र हो जाती है तो निवृत्त हो जाते हैं और यदि किसी कारण से या खुद इस्तीफ़ा दे देते हैं तो ज हाई कोर्ट के जज हैं वे केवल उसी प्रदेश में प्रैक्टिस नहीं करते।

श्री शिव चरण लाल: अब तो नये कांस्टीट्यूशन (Constitution) में वह कहीं प्रैक्टिस (Practice) नहीं कर सकते।

श्री भक्त: यानी जो जज हों सुप्रीम कोर्ट (Supreme Court) के या हाई कोर्ट (High Court) के वे वहां प्रैक्टिस नहीं कर सकते हैं।

Shri Mahtab: They will not be able to practise anywhere in India.

श्री भक्त: यही मैं ने कहा, वह पहले मेरी ग़लती थी। तो एक तो उन की उम्र खत्म हो जाती है। इस लिये वह और कोई काम नहीं कर सकते। लेकिन अब यूनियन पब्लिक सरविस कमीशन (Union Public Service Commission) की बात देखिये, उस में क्या कोई ऐसी पाबन्दी है? जो स्टेट (State) पबलिक सरविस कमीशन हैं उस में भी क्या कोई ऐसी पाबन्दी है? या तो वे सेवा से पूरे समय बाद निवृत्त हो जाते हैं जब उम्र उन की हो जाती है, या बीच में निकाले जाते हैं तो क्या कोई ऐसी पाबन्दी उन के ऊपर है?

एक मिसाल मैं और देना चाहता हूं, जैसे कि मैं ने बताया वह है इनकम टैक्स इनवैस्टिगेशन कमीशन (Income-tax Investigation Commission)। मैं ने बताया है कि ऐसे कमीशन में जिस में कि लाखों रुपये वह अपने हाथ से ठीक कर सकते हैं, सरकार की तिजोरी में ला सकते हैं या नहीं भी ला सकते हैं और जिस में कई तरह का गोलमाल हो सकता है, उस में भी इस प्रकार का कोई प्रतिबन्ध नहीं है। आप दूसरी चीज़ों को भी देखिये। मुझे माफ़ कीजिये, आप मिनिस्टर को ही लीजिये। मिनिस्टर भी एक बहुत बड़ी हैसियत रखते हैं। क्या उन के ऊपर इस प्रकार की कोई पाबन्दी है कि मिनिस्टरशिप (Ministership) छूट जाय तो तीन साल के लिये या पांच साल के लिये वे कोई काम नहीं कर सकें? मैं ने दूसरे ऐक्टों (Acts) को भी देखा है। तो सिर्फ़ कनाडा के ऐक्ट में यह चीज़ है कि टैरिफ कमीशन या टैरिफ बोर्ड का आदमी जब निवृत्त हो

[श्री भट्ट]

जाय तो वह हाउस आफ कामन्स (House of Commons) में दो साल तक न जाय । इतनी एक पाबन्दी उस में लगाई गई है । इस का कारण यह है कि आखिरी जो सत्ता है वह हाउस आफ कामन्स (House of Commons) की है । टैरिफ कमीशन की सिफारिशों को मानना या न मानना, इस का निर्णय करने का अधिकार पार्लियामेंट को है । इस लिये यह चीज़ रखी गई है कि वह दो साल तक पार्लियामेंट में न जाय जिस से कि एक चीज़ जो टैरिफ बोर्ड की मंजूर हुई हो होने वाली हो उस के ऊपर उस सदस्य का असर न पड़े । इस प्रकार का यह प्रतिबन्ध है । दूसरे किसी भी ऐक्ट में इस तरह की पाबन्दी नहीं लगाई गई है । इस लिये मेरी प्रार्थना है कि अगर हमें, पार्लियामेंट को, इस प्रकार की पाबन्दी लगानी है तो इस पर सोच विचार करना चाहिये और यह सिर्फ़ इसी कमीशन के क़ानून में न करें । इस चीज़ को हम फ़िलहाल के लिये अलग रखें और आगे जब दूसरों के लिये सोचा जाय तब इस के लिये भले ही सोचें । इस के लिये फिर बाद में जब मौक़ा आवेगा तब कहा जायगा ।

माननीय सभानेत्री जी, मैं ने अपने संशोधन के विषय में कुछ नहीं कहा है, नहीं तो मैं कहता कि यह करो, वह करो । इस लिये अब मैं दूसरी बात पर जा रहा हूं ।

Shri Mahtab: On this point he has tabled an amendment.

श्री भट्ट : अब मैं दूसरी बात पर जा रहा हूं कि सदस्यों की मियाद कितनी होनी चाहिये । सिफारिश यह की गई है कि तीन साल की होनी चाहिये । जब कि यह स्थायी कमीशन पहले पहल बैठ रहा है और बन रहा है तब मेरी राय में इस चीज़ को तीन साल तक सीमित न रखें क्योंकि कम से कम पहले छः साल ऐसे जावेंगे कि जब इस को बहुत कुछ काम करना होगा । इसे एक तो अपना दफ्तर जमाना होगा और दफ्तर जमाने का काम एक मामूली चीज़ नहीं है । जिस प्रकार कि हम टैरिफ कमीशन से अपेक्षा रखते हैं वह सब हमारी उम्मीदें अगर पूरी होने वाली हैं, जांच की दृष्टि से, हक़ीक़त की दृष्टि से, इस कमीशन की मियाद कम से कम पांच साल की होनी चाहिये । मैं अलग अलग जगहों को भी देखता हूं तो आप मुझे माफ कीजिये कि पबलिक सरविस कमीशन में छः साल की मियाद है । दूसरे क़ानूनों में पांच साल से कम नहीं है । कनाडा में यह दस साल है और इस तरह इस मियाद की उन्होंने बढ़ा रखा है ।

क्योंकि हम एक तरह से उस में यूनीफार्मिटी (Uniformity) लाना चाहते हैं और इस लिये इस मियाद को बढ़ाया जाय, लेकिन यह एक छोटी बात है और इस के बारे में जब संशोधन रक्खूंगा, तब कहूंगा । लेकिन मैं एक दूसरी महत्व की बात की तरफ़ आप का ध्यान दिलाऊं, वह है क्लाज (Clause) ११, उस में पहले ही यह लिखा गया है कि :

"The Central Government may refer to the Commission for inquiry and report any matter requiring its opinion."

यह ऐसा क्लाज है जिस के बारे में जब पहले पहल यह बिल यहां पेश हुआ

था तब भी कुछ सदस्यों ने इस के विषय में ज़िक्र किया था और प्रवर समिति में भी इस के मुताल्लिक़ बातें हुईं, लेकिन यह चीज़ सरकार मानने के लिये तैयार नहीं है कि जो अर्ज़ियां प्रोटैक्शन (Protection) के लिये आई वह सब की सब टैरिफ़ कमीशन के सामने चली जायें। यह मेरा सुझाव तब था और अभी भी है और क्यों मैं इस पर आग्रह कर रहा हूं उस का कारण है। मैं बहुत सी चीजें यहां पर आप को पढ़ कर नहीं सुनाना चाहता हूं, क्योंकि शायद हमारे माननीय मंत्री महोदय घबड़ा उठेंगे कि यह कितना समय ले रहा है। लेकिन मैं उन का ध्यान पहली फिस्कल कमीशन की रिपोर्ट की ओर दिलाऊंगा, उस को अगर हम देखें तो पायेंगे कि उस में तो उन्होंने इस का साफ़ तौर से ज़िक्र नहीं किया है, लेकिन दूसरे फिस्कल कमिशन की रिपोर्ट में जो प्रश्नोत्तरी हुई है, जो प्रश्नों का जवाब मिला है, उस को हम देखें तो पायेंगे कि क़रीब-क़रीब सभी लोगों ने यह कहा है कि जो आज का तरीक़ा है वह रुकावट का है। वह आज का तरीक़ा क्या है? मैं ने अपनी अलग राय बतलाई कि आज का तरीक़ा यह है कि जो अर्ज़ी आती हैं, वह कामर्स मिनिस्ट्री (Ministry of Commerce) के पास जाती हैं और कामर्स मिनिस्ट्री फिर अपने इंटरडिपार्टमेंट्स (Inter-departments) अलग अलग मिनिस्ट्रियों (Ministeries) की जो एक समिति है, उस के सामने वह चीज़ रखती है और इस में एक लम्बी कार्यवाही होती है जिस में उस अर्ज़ी के निकलने में बहुत दिन लग जाते हैं। मैं यह मान सकता हूं कि उस समय जब कि कोई स्थायी रूप से इस प्रकार का कमीशन नहीं था, तब तो इस चीज और तरीक़े की ज़रूरत हो सकती थी, लेकिन आज जब कि हम एक कमीशन बिठा रहे हैं और उस कमीशन को जांच करने की स्वतंत्रता दे रहे हैं और उस के पीछे इतना खर्च कर रहे हैं और उस में जो आदमी हम नियुक्त करने जा रहे हैं और वह हाई कोर्ट के जजों (Judges) की हैसियत के आदमी होंगे, तब ऐसी परिस्थिति में मुझे इस तरह की कार्यवाही का कोई कारण नहीं मालूम होता है और मेरी समझ में यह नहीं आता है कि हम दूसरा खर्चा क्यों बढ़ायें। यह एक खर्च हम यहां कर रहे हैं कि जो अर्ज़ी आती है, वह प्राइमा फेसी केस (*prima-facie* case) हो या न हो, उस के लिये हम मिनिस्ट्रियों की एक अलग कमेटी बनायें और वह जांच करें। मैं समझता हूं कि कमीशन की नियुक्ति के बाद उस की कोई ज़रूरत नहीं है।

आप देखेंगे कि जो रिव्यू आफ़ दी वर्क आफ़ इंडियन टैरिफ़ बोर्ड (Review of the work of Indian tariff board) है उस में है कि:

"The procedure that is followed in regard to the reference of a case to the Board and the subsequent enquiry by the Board may be briefly indicated, and the industry seeking protection or assistance from Government has first to submit its application to the Ministry of Commerce. This application is placed before an inter-departmental committee consisting of representatives of the Ministries of Commerce, Industry and Supply, and Finance. Representatives of other Ministries, if concerned with any particular industry, are also present at such meetings. If it is found that a *prima facie* case has been made out by the industry in question that it is a fit case to go before the Tariff Board the Ministry of Commerce refers the case to the Board for investigation and report. This reference is made through a resolution of Government. The Board then proceeds....."etc. etc.

अब कहिये कि यह जो तरीक़ा है, वह लम्बा है या सहल है, और जब एक टैरिफ़ कमीशन

[श्री भट्ट]

हम हमेशा के लिये बना रहे हैं, तब क्या कारण है कि उद्योग धन्धे वाले अपनी अर्जी वहां सीधी न भेजें ? मुझे माफ़ किया जाय कि मैं इस बारे में कई मर्तबा शिकायत करता हूं कि जो जो जानकारी हम चाहते थे, वह हमें पूरी नहीं मिलती है। मैं ने सिलैक्ट कमेटी में भी कहा था कि मुझे यह जानकारी दी जाय कि इन पांच छः सालों के अर्से में उद्योग धन्धे वालों ने कितनी अर्जियां आप को दीं, और कितनी अर्जियों पर आप ने सोच विचार किया और कितनी अर्जियों को आप ने टैरिफ़ बोर्ड के सामने भेजा, इन चीज़ों का जवाब मुझे अभी तक नहीं मिल रहा है । जवाब अभी तक न मिलने का क्या कारण है, यह मैं नहीं जानता हूं, हो सकता है कि उन्हों ने उस को याद ही न रक्खा हो और कोई उस की फ़ेहरिस्त ही न रक्खी हो, लेकिन यह वाक़या है कि अभी तक वह चीज़ हमारे सामने नहीं आई है । मैं साबित करना चाहता था कि इस प्रकार से कई महीनों तक लोगों को चाहे वह छोटे उद्योग धन्धे वाले हों, या बड़े वाले हों चाहे वह खर्च कर सकते हों, या न कर सकते हों, इस तरह के उद्योग धन्धे जिस को रक्षा आज देश के हित के लिये ज़रूरी है, लेकिन उस को भी कई महीनों तक यहां से वहां रखना पड़ता होगा और पैसा खर्च करना पड़ता होगा । यह एक बात है । उस के अलावा हमारी मिनिस्ट्रियों को क्या दिक़्क़त पेश होती है, उन को क्या क्या काम करने पड़ते हैं और वह एक विशेष काम भी उन के सामने आ जाता है । इस लिये भी मैं यह चाहता हूं कि जब कोई रक्षा के बारे में अर्जी आये तो वह भले ही पोस्ट आफिस (Post Office) के रूप में कामर्स मिनिस्ट्री में आ जाय और वह फ़ौरन ही कमीशन के पास भेज दे, उस में कोई हर्ज नहीं है । लेकिन अगर पोस्ट आफिस नहीं बनना चाहते, डाक घर नहीं बनना चाहते हैं, तो सब लोगों को यह हिदायत कर दें कि अब टैरिफ़ कमीशन मुक़र्रर हो गया है, वह स्थायी तौर से और जिस को जो कुछ कहना है, कमीशन से कहें । मैं ऐसा नहीं मानता हूं कि जिस टैरिफ़ कमीशन को हम इतना बढ़ा रहे हैं, जिस के हाथ में जांच करने की इतनी स्वतंत्रता दे रहे हैं और जिस को कि हम खुद बखुद जांचने की स्वतंत्रता दे रहे हैं, उस टैरिफ़ कमीशन पर हमारा विश्वास कम है । मैं नहीं समझता हूं कि यदि टैरिफ़ कमीशन इस रीति से अर्जियां लेता जायेगा तो लाखों अर्जियां उस के पास आयेंगी । मैं यह पूछना चाहता हूं कि यह रुकावट जो सरकार ने रक्खी थी कि पबलिक (Public) की अर्जी हम मंजूर करेंगे, तो उस में क्या होता था। अगर यह जानकारी मेरे पास आ जाती कि सरकार के पास जो सौ अर्जियां आईं उन में से केवल २५ अर्जियां उन्होंने इस योग्य समझीं कि जिन को टैरिफ़ बोर्ड के सामने भेजे, तो इस नियन्त्रण का रोक का कारण मालूम हो जाता कि इस वजह से बाक़ी अर्जियां इस योग्य नहीं समझी गईं कि उन को कमीशन के सामने भेजा जाये, तो मैं भी उस को समझ सकता था कि उन्हों ने ऐसा करने में जो अपना एक नियन्त्रण रखा है, वह ठीक है और उचित है । मैं यह भी कहना चाहता हूं कि आप मानते हैं कि टैरिफ कमीशन कोई ऐसी जमात बनेगी, कोई ऐसी बाडी (body) बनने वाली है जो सोच विचार नहीं करेगी । अगर एक अर्जी उन के पास आती है और प्राइमा फ़ेसी उस में कुछ नहीं है तो उस में वह कुछ नहीं कर सकेंगे । यह अधिकार उन को रहता है कि यह रिपोर्ट गवर्नमेंट के सामने पेश कर दे और गवर्नमेंट

जैसा ठीक समझें वैसा करे । इस के अलावा एक बात और आप ध्यान में रखिये, यह जो मैं ने अभी आप को उस किताब के ए (A) और बी (B) परिशिष्टों में से पढ़ कर सुनाया था उस में सरकारने जो अर्जियां भेजी हैं प्राइमा फ़ैसी केस समझ करके उन अर्जियों के बारे में टैरिफ़ बोर्डन अपनी राय दी कि : We do not think that this case deserves any protection. कई चीजें ऐसी भी हैं जिन्हें टैरिफ कमीशन ने कहा कि प्रोटैक्शन देना चाहिये और सरकार ने कहा कि नहीं देना चाहिये । टैरिफ़ कमीशन ने और सुझाव दिये, उन को बदल भी दिया गया । आखिर तो सरकार के हाथ में सब बात है । इस लिये सरकार को अपना काम पेचीदा नहीं करना चाहिये, और रैड टेपिज्म (Red-tapism) को उसे बढ़ाना नहीं चाहिये। करप्शन (Corruption) नहीं बढ़ाना चाहिये । मैं मानता हूं कि अगर एक इंटर-डिपार्टमेन्टल कमेटी (Inter-departmental Committee) है तो उस में कई तरह की गुंजाइश हो सकती है, जैसे आप हाई कोर्ट को देखिये,अगर कि एप्लीकेशन (Application) को हाई कोर्ट देखता है कि वह उसे नहीं लेना चाहिये तो वह उसे नहीं लेता है और फेंक देता है यह कह कर कि वी डोन्ट ऐडमिट (We don't admit)। अगर टैरिफ कमीशन को यह लगे कि फलां उद्योग धन्धों को रक्षा देनी चाहिये तो वह उस के विषय में सोच विचार करेगा । इस लिये मैं आप को उन किताबों में से पढ़ कर नहीं सुनाना चाहता हूं जिस में इंडियन मर्चेन्ट्स चैम्बर (Indian Merchants' Chamber) ने, मैनुफ़ैक्चरर्स ऐसोसिएशन (Manufacturers' Association) ने और और लोगों ने कहा है कि इस प्रकार की अर्जियों को सीधे टैरिफ बोर्ड के सामने जाना चाहिये। यह उन लोगों ने अपनी राय प्रकट की है लेकिन उन को जाने दिया जाय क्यों कि वह तो उद्योग धन्धे वाले हैं और उन का उनसे वास्ता है । लेकिन दूसरे आदमी देखिये मद्रास के डा० बालकृष्ण जो एकानमिक्स (Economics) के प्रोफेसर हैं उनको देखिये, जी० डी० बिरला वगैरह की बात मैं नहीं कहता, उन सब को आप देखिये । मैं बिरला वगैरह का जिक्र जान बूझ कर नहीं कर रहा हूं, और वह इस लिये कि कहीं यह न कहा जाय कि वह तो उद्योगपति हैं और वह चाहेंगे कि यह सीधे टैरिफ कमीशन के सामने चला जाय । लेकिन इस वक्त कोई भी उद्योगपति हो, छोटा या बड़ा, वह आखिर भारतीय है और देश की उन्नति के लिये वह काम कर रहे हैं । हर एक में कई लक्षण होते हैं, अपलक्षण होते हैं, सब होता है, लेकिन कुछ भी हो, उन की राय है जो कि मैं पढ़ कर नहीं सुनाना चाहता हूं, लेकिन मैं कहना चाहता हूं कि आप हर जगह से यह पायेंगे कि उन्हों ने कहा है, जब कि आप टैरिफ कमीशन बनाने जा रहे हैं तब हम चाहते हैं कि इस प्रकार के डाइलेटरी मैथड (Dilatory Methods) नहीं होने चाहिये । और सीधे सीधे उद्योग धन्धे वालों को यह मौका मिलना चाहिये कि वह अपनी अर्जी टैरिफ कमीशन के पास भेज दें । यहां तो मैं ने अपने यहां की बात कही । मैं आप का ध्यान जरा आस्ट्रेलिया की तरफ दिलाना चाहता हूं ।

सभापति महोदय : आप को कितना समय चाहिये ?

श्री भट्ट : मैं मानता हूं कि मुझे १५ मिनट तो और लगेंगे ही ।

सभापति महोदय : अब दो मिनट बाकी हैं उतने में आप बोल लें ।

श्री भट्ट : दो मिनट में जो कुछ बोल सकता हूं वह बोल कर सोमवार को फिर बोलूंगा । मैं आस्ट्रेलिया के टैरिफ बोर्ड की बात बता रहा था कि उस में सेक्शन १५ जो है उस की तरफ माननीय मंत्री जी का ध्यान आकर्षित करना चाहता हूं :

"The Minister shall refer to the Board for enquiry and report the following matters".

यह है पार्ट (१) आफ सेक्शन १५ ।

श्री त्यागी : मैं पूछना चाहता हूं कि मिनिस्टर के द्वारा जाता है या सीधा चला जाता है ?

श्री भट्ट : मैं ने तो आप से अर्ज किया कि अगर गवर्नमेंट को डाक घर बनाना है तो मुझे कोई हर्ज नहीं है । इस में डरने की बात नहीं है । १५ (२) के बारे में यह है कि :

"The Minister may refer to the Board for their enquiry and report the following matters:—"

अब उस का रास्ता निकाला है । इस का अधिकार सुओ मोटो (Suo Motu) सेक्शन १७ में है :

"The Board may of its initiative enquire into and report on any of the matters referred to in sub-section (2) of section 15 of this Act."

इस के माने यह होंगे कि सेक्शन १५ में लाजिमी है कि सरकार को रिफर (refer) करना ही चाहिये लेकिन सेक्शन १७ में है कि

"The Board can take initiative to enquire into and report on....."

इस बात को मैं साफ कर रहा हूं ।

मैं मानता हूं कि अब मैं सभानेत्री जी आप की इजाजत से सोमवार को अपना भाषण शुरू करूंगा ।

(*English translation of the above speech*)

Shri Bhatt (Bombay): Madam, I have to say a few things about the Tariff Commission Bill as amended by the Select Committee that has come up before us. I have said certain things in my minute of dissent and I would like now to deal with them as also with a few other points. The salient points are: the number of members; the question of short term or *ad hoc* members; the term of their office; imposition of any restrictions on the outgoing member as suggested in the Bill; forwarding of applications by the Government to the Tariff Commission regarding protection; consideration of the small scale industries by the Tariff Commission according to the guiding principles as suggested by the Select Committee in its Report and the inclusion of a reference regarding the conditions of labourers in the guiding principles.

I shall put before you only some of the salient points and shall not take much of your time. The hon. Minister said that on a question of principle he was not opposed to the tabled amendments that were based on the minute of dissent. He says these are matters of detail which would be considered. It is a matter of pleasure to know that. He said he would keep an open mind to see what could be accepted and what could not. If he is able to convince us we would not move the amendments. But, at the same time, I would request him to keep an open mind so that what we say.....

Shri Sidhva (Madhya Pradesh): He has already said so.

Shri Bhatt: I want that he should keep an open mind in the full sense of that term. The mind may be kept open in two ways. One way is that the door of mind be kept completely open without being bolted from inside and the other is to keep the door half open. Thus, we may have an open mind in two ways. I would request him to have a fully open mind.

I would like to draw the attention of the hon. Minister and of my other friends to a question of principle, which is really proving troublesome to me. Before coming to that I would like to say this as an introduction that the work of the Tariff Commission is that of an Advisory Board. It was also recommended by the Fiscal Commission that the nature of the work of the Tariff Board would be that of an advisory body. This Tariff Board, which we are establishing now, should

have been constituted in 1922. Though it is late I still welcome it because we are forming it after all. Now, the name of the Tariff Board has been changed to that of Tariff Commission because it is an age of commissions and much importance is attached to that word. I would have personally liked it to be Tariff Board. But when the general opinion is in favour of Tariff Commission I have nothing to say about it. Agreeing with the report of the First Fiscal Commission the Second Fiscal Commission of 1950 has also suggested that the work of this Tariff Commission or the Tariff Board should be that of an investigating and advisory body. Now, when we are going to appoint a Tariff Commission we shall have to consider the responsibilities of the members and their qualifications. It has been said that they would be persons of high integrity, whom we could not doubt. They would be persons who occupy a high place in society and whose honesty could never be questioned. We would appoint such persons. We can appoint them for three years or for six years or for five years or even for ten years. We would appoint them and when they would retire we want to place certain restrictions on them that they would not take up any job in any private industry or undertaking for three years. I am discussing this thing as a question of principle. When we are appointing persons of such high integrity, they are likely to be men who, on retirement, would have either to start their professions again or would have to retire permanently from social life because they would have done enough work and no need would be left for them to do any further work. The other alternative is that the Government might utilise their services in some other sphere. We have studied the questionnaire of the Fiscal Commission of 1950 which is before us. No question has been asked therein whether any restriction of that type should be imposed on the members of the Tariff Commission. This type of question has not been asked and it was but natural that nobody should say in his reply that such a restriction should be imposed because this was such a thing that could not be thought of. In fact, this is a suggestion emanating from the members of the Fiscal Commission themselves that on retirement the members of the Tariff Commission should not be permitted for some years to engage in any business. But no reasons have been stated for that. And when I asked about it in the Select Committee I was told that it was essential to impose such a restriction because those persons might succumb to temptation and might be bought off as they would have to do investigations into the industries and would have to make recommendations about them. I was surprised to hear that. Madam, I would specially dwell on that subject. First of all, we have to see how this Commission would work when constituted. It will be an investigating and advisory commission. Enquiries will not be conducted secretly. This Commission will not hold its proceedings *in camera*. This Commission will conduct public enquiry as has been indicated in the reports of the first and second Fiscal Commissions. The public will be asked to represent anything they like. The Commission will hold its proceedings in public and any person can put his views before it. Under these circumstances, I cannot understand how the Commission can practise any kind of trickery.

Shri Mahtab: As the hon. Member is just now speaking on the amendments, am I to understand that these things will be again discussed and speeches delivered?

Mr. Chairman: Perhaps he may not move the amendments.

Shri Mahtab: I am very glad to note that he is not moving his amendments.

Mr. Chairman: I only said he may not move his amendments.

Shri Bhatt: I am speaking in general terms on the Report of the Select Committee and I admit that I have raised that point therein. I have a right to explain my stand and it is just possible I may not speak when the amendment comes up.

Mr. Chairman: The hon. Minister wants to know whether you will again speak at the time of moving your amendment?

Shri Bhatt: I have said that I might not make such a long speech at that time.

I was saying that these enquiries would be held in public and even if all the members of the Tariff Commission succumb to the temptations offered by an industrialist and make certain recommendations in a compromising spirit, where will those recommendations go ultimately? They have no executive power. They have no power of administration. This recommendation will be forwarded to the Government as I have pointed out in my minute of dissent. Suppose, the Government also succumbs to the temptations of an industrialist and under the influence of that person

[Shri Bhatt]

passes certain orders that so much protection should be given to such and such industries, even then the Members of Parliament are there to look into that and I would say that no such thing can happen. In this age of newspapers, when even the slightest hanky-panky does not escape the attention of the newspaper reporters, it is sure to be brought to our notice by some of them, *viz.* the newspapermen and the others. Even if our attention is not drawn to that there are many other ways through which it is bound to come to our notice that partiality has been shown in such and such case and undue concessions have been allowed to certain industries and that not only all the members of the Tariff Commission but even the Ministers had been bought off etc. But, after all, the matter is bound to come before Parliament.

Shri Sidhva: Is that possible?

Shri Bhatt: Yes, it is possible. I only say, suppose some such thing happens, it is bound to come before Parliament.

I have yet another argument. Suppose, all the members of the Tariff Commission succumb to the temptations offered by the industrialists and they are able to do some hanky-panky which escapes the notice of the Members of Parliament then this restriction that no member will work in any undertaking for a period of three years after his retirement will be of no avail. Persons who have swindled like that or who have been bought off in that manner or who have wrongfully acted in that way, will they take up any job immediately after retirement? They would have amassed lakhs of rupees.

Mr. Chairman: Isn't the hon. Member repeating the same point? He may pass on to the next point.

Shri Bhatt: I shall finish it in no time.

Mr. Chairman: There is no question of finishing. You have already spoken on that point.

Shri Bhatt: I shall have to clear my point until I make it understandable. And I am a new man.

Shri Syamnandan Sahaya (Bihar): You are an old member.

Shri Bhatt: Madam, excuse me, kindly give me some more time. I shall not go into details. But I want to tell you that the person on whom you are going to impose the three years' restriction will abide by it in order to conform to the letter of the law, but he will remain a worthless fellow. He will not care in the least if you do not let him take up a job for three years. Therefore, there is no justification for its inclusion in the Bill. It is below the dignity of our Parliament and it is also an awkward thing for the Commission you are going to appoint.

Now, I shall give another example to make it more clear. Has any such restriction been imposed in our Constitution on the Attorney-General to operate after his retirement? Has any such restriction been imposed on the Election Commission? Do you impose any restriction on the judges you appoint? They retire after the completion of their age-limit and if by any reason their services are dispensed with or they resign themselves, in the case of High Court judges, they are only precluded from practising in that particular State.

Shri Shiv Charan Lal (Uttar Pradesh): Now, according to the new Constitution they cannot practise anywhere.

Shri Bhatt: It means that the judges of the Supreme Court or of the High Courts cannot practise there.

Shri Mahtab: They will not be able to practise anywhere in India.

Shri Bhatt: I have said the same thing; I was wrong in the first instance. They cannot do any job because they attain their age-limit. Take the case of the Union Public Service Commission. Has any such restriction been imposed on it? Is there any such restriction imposed on the Public Service Commissions in the States? They retire after the attainment of their age-limit. If their services are dispensed with earlier, is there any such restriction imposed on them?

I want to give one more example. It is the case of the Income-tax Investigation Commission. No such restriction has been imposed on that Commission though it can write off lakhs of rupees; they may or may not bring vast amounts into the Government treasury and it is possible for them to commit any kind of swindle. Excuse me, take the case of Ministers. They also hold very responsible positions. Is there any such restriction imposed on them that they would not be able to do any work for three or five years in case they lose their ministership? I have studied other Acts as well. It is laid down only in the Canadian Act that a member of the Tariff Commission or the Tariff

Board should not hold a seat in the House of Commons for a period of two years after his retirement. The reason behind this is that the ultimate power rests with the House of Commons. Parliament has got the power to accept or reject the recommendations of the Tariff Commission. This provision, that he should not hold a seat in the House of Commons for a period of two years, has been provided so that the decision on anything which has been recommended or is being recommended by the Tariff Board may not be influenced by the presence of that member. No such restrictive provision has been made in any other Act. Therefore, it is my request that if Parliament wants to impose any such restriction, it should thoroughly consider it and should not make this provision in the case of this Bill only. We should drop this provision for the present and should consider it only when we think of imposing such restrictions on others as well. I will speak about it later on when the opportunity arises.

Madam, I have not said anything about my amendments; otherwise, I would have asked for certain things to be done. I shall now pass on to another point.

Shri Mahtab: On this point he has tabled an amendment.

Shri Bhatt: Now, I come to another point. What should be a member's term of office? It has been recommended that they should hold office for a period of three years. In my opinion the term of office should not be limited to three years specially when this permanent commission is being set up for the first time, because it will have to do a lot of work during the first six years. It will have to establish its office which is not an ordinary thing to do. Considering the type of work we expect from the Tariff Commission, if we really want to achieve our objective, the minimum term should be five years. There is a limit of six years for the members of the Public Service Commission. No other Act contains a provision for less than five years. In the case of Canada it is ten years. In order to attain uniformity we should extend the period, but it is a minor thing and I will speak about it when I move my amendment. I would, however, draw your attention to another important thing, viz. clause 11, which says:

> "The Central Government may refer to the Commission for inquiry and report any matter requiring its opinion."

This clause was referred to by a number of Members when the Bill was presented before the House for the first time and it was discussed in the Select Committee as well, but the Government are not prepared to accept the position that all applications for protection should be forwarded to the Tariff Commission. That was my suggestion then and it holds good even now. The reason, why I am insisting on its inclusion is this. I do not want to read all the matter before you as the hon. Minister might think that I am taking too much time. But I would draw his attention to the report of the first Fiscal Commission. There is, however, no clear mention of such a thing in that. But from the answers which have been received in reply to the questionnaire issued by the Second Fiscal Commission you will find that almost everybody has said that the present system entails undue delay. I have given my opinion separately. The present system is that applications for protection are forwarded to the Ministry of Commerce which places them before the Inter-Departmental Committee of the different Ministries where an elaborate procedure is followed and it takes a long time before the application is finally disposed of. I admit that this system might have been necessary when there was no permanent commission like this but now that we are appointing a commission with powers to hold independent enquiries and are incurring so much expenditure on it by appointing such persons as its members who are of the same status as High Courts Judges, I fail to understand why this procedure should be continued and extra expenditure incurred. I think after the appointment of the Commission there will be no need left of forming an inter-Departmental Committee to consider an application received for protection to ascertain whether a *prima facie* case is disclosed or not.

You will find in the Review of the work of the Indian Tariff Board that:

> "The procedure that is followed in regard to the reference of a case to the Board and the subsequent enquiry by the Board may be briefly indicated, and the industry seeking protection or assistance from Government has first to submit its application to the Ministry of Commerce. This application is placed before an inter-departmental committee consisting of representatives of the Ministries of Commerce, Industry and Supply and Finance. Representatives of other Ministries, if

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concerned with any particular industry, are also present at such meetings. If it is found that a *prima facie* case has been made out by the industry in question that it is a fit case to go before the Tariff Board the Ministry of Commerce refers the case to the Board for investigation and report. This reference is made through a resolution of Government. The Board then proceeds....." etc. etc

Now, tell me whether it is a long or short procedure? Why should the industrialists not address their applications direct to the Tariff Commission when we are appointing one permanently? Excuse me, I have to make the same complaint time and again that we are not supplied all the information that we require. I have not yet been furnished with the information which I asked for at the Select Committee stage as to how many applications for protection were received from industrialists during the last five or six years, how many of them were considered by the Ministry of Commerce and how many of them were forwarded to the Tariff Board. I do not know why the information has not been furnished as yet. It is possible that they might have forgotten all about it or might not have kept a record of them. With the help of those figures I wanted to show how industrialists, whether big or small, whether in a position to spend or not, have to incur so much expenditure and even in the case of those industries which are in dire need of protection from the national point of view one has to wait for months and spend a great deal. On the other hand, our Ministries have to face lots of difficulties and it becomes an extra burden for them to do this job. Therefore, I want that if any application is submitted for protection and if by chance it comes to the Ministry of Commerce, it should act as a post office and should at once forward it to the Tariff Commission. And if it does not want to act as a post office, it should issue instructions to the public that a permanent Tariff Commission has been established and if anybody wants to represent anything he can directly communicate with the Commission. I am not prepared to admit that we have no confidence in the Tariff Commission—a Commission to which we have given full powers of making independent investigations. I do not think that if the Commission begins to entertain applications like this, it will receive lakhs of them. I want to ask what procedure was followed when applications of the public were examined by the Government. If information is supplied to me why out of one hundred applications only 25 were considered fit to be forwarded to the Tariff Board, I should at least come to know why others were rejected and were not forwarded to the Tariff Board. In that case it would be clear why this restriction was imposed. You also admit that the Tariff Commission will be such a body that it cannot be influenced in any way. Suppose, an application comes to it and no *prima facie* case is made out then it will not be able to do anything. It has got power to submit its report to the Government and the Government can do anything it likes. Please keep one thing more in your mind. It is about the extracts which I just now read out to you from the Appendices A and B of the book. The Government forwarded to the Tariff Board applications which according to them did make out a *prima facie* case and the Tariff Board gave its opinion thus. 'We do not think that this case deserves any protection.' There are many such instances in which the Tariff Board recommended that protection should be given while the Government held that it should not be given. Recommendations of the Tariff Board were sometimes altered. The decision lies ultimately in the hands of the Government. The Government should not complicate its procedure and no encouragement should be given to red-tapism and corruption. I say that there are many chances of other things creeping in if there is an inter-departmental committee. Take the case of a High Court, if it finds that it should not admit an application it flatly says: We don't admit. If the Tariff Commission thinks that a certain industry should be given protection, it will consider its case. Therefore, I am not reading out to you the views expressed by the different institutions like the Indian Merchants' Chamber, Manufacturers' Association etc. which are of the opinion that applications for protection should go to the Tariff Board direct. Let it be for it is after all the opinion of the industrialists who are interested persons. I am knowingly not talking of G. D. Birla and others because it may be construed that as they are industrialists they would certainly like that they should be permitted directly to approach the Tariff Board. But consider the opinion of Dr. Balkrishna of Madras, who is a Professor of Economics. In any case, the industrialists, big or small, are after all Indians and they are working for the progress of the country. Of course,

everyone has his own merits and demerits. Anyway, I am not going to tell you as to what their opinion is but I would draw your attention to the fact that everybody has suggested that now that we are going to have a Tariff Commission dilatory methods of that kind should be dispensed with and the industrialists should be allowed to send their applications direct to the Tariff Commission. All this was about our own country; now I wish to draw your attention to Australia.

Mr. Chairman: How much time would you require?

Shri Bhatt: I want fifteen minutes more.

Mr. Chairman: There are two minutes left and you can continue till then.

Shri Bhatt: I shall say whatever I can within these two minutes and would then continue on Monday. I was speaking about the Australian Tariff Board. I want to draw the attention of the hon. Minister to Section 15 of that Act which says:

> "The Minister shall refer to the Board for enquiry and report the following matters."

This is part I of Section 15.

The Minister of State for Finance (Shri Tyagi): I want to know whether it goes through the Minister or direct?

Shri Bhatt: I have told you that if you want to make the Government a post office, I have no objection. There is nothing to be afraid of. Part II of Section 15 says:

> "The Minister may refer to the Board for their enquiry and report the following matters:—"

Now a method has been found out. The right to act *suo motu* is given in Section 17:

> "The Board may on its initiative enquire into and report on any of the matters referred to in sub-section (2) of section 15 of this Act."

It means that it is obligatory on the Government to make a reference under Section 15 while Section 17 says:

> "The Board can take initiative to enquire into and report on....."

I am clearing this point.

Madam, with your permission, I will now continue my speech on Monday.

The House then adjourned till Half Past Eight of the Clock on Monday, the 20th August, 1951.